

Voting Procedures

- Chairman: Introduce the item
- Staff: Presents the item
- Chairman: Asks for those wishing to speak in support, then asks for those wishing to speak in opposition. Note: Planning Commission does not “debate” the issue at this time.
- Chairman: Following presentations by staff and comments by the public, the chairman asks for a (main) motion. Motions should be in the positive not the negative.
Examples: I move to Approve as submitted or I move to approve with staff comments.
- Chairman: Asks for discussion on the main motion.
- Planning Commission: Discussion, questions and debate by the planning commission. It is very helpful if the Planning Commission articulate why they are voting on an item and especially if voting against the motion to approve.
- Chairman: Following Planning commission discussion, the chairman asks for any amendments. If there are any amendments then a motion to amend and a second is required. Ask for discussion on the motion to amend. Then vote on the amendments and if the amendments are approved, then;
- Chairman: Calls for a vote on the amended main motion, or
If the main motion was not amended then vote on the main motion.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
August 14, 2018**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM July 10, 2018

III. STAFF COMMENTS AND PROCEDURES

1. Lakeside Crossing, Lots 1-61- Final Plat- A request by Crafton Tull & Associates.
2. Rezoning Application #20-8-18; A request by Ron Brixey, agent, for Willowbrook, LLC, and Central Christian Church, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by extension at 5601 Park Avenue.
3. Master Land Use Plan #6-8-18; A request by Ron Brixey, agent, for Willowbrook, LLC, and Central Christian Church, for a Master Land Use Plan Amendment from Residential Detached and Public/Institutional to Residential Attached at 402 North Waldron Road.
4. Rezoning Application #21-8-18; A request by Ron Brixey, agent, for Willowbrook, LLC, and Central Christian Church, for a zone change from a Planned Zoning District (PZD) to Residential Multifamily Medium Density (RM-3) by extension at 402 North Waldron Road.
5. Development Plan #9-8-18; A request by Ron Brixey, agent, for Willowbrook, LLC, and Central Christian Church, for a development plan approval for a duplex development at 402 North Waldron Road.
6. Conditional Use #8-8-18; A request by Thomas E. Howard, agent, for Ireland Alexander, LLC, for a restaurant with outdoor dining at 7001 Phoenix Avenue.
7. Rezoning Application #19-8-18; A request by Jonathan Bench, agent, for Quentin Willard, for a zone change from not zoned to a Planned Zoning District (PZD) at 7500 Fort Chaffee Blvd.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

8. Variance # 25-8-18; A request by Maria Barroso, owner, for the following variances: 1) from 20' to 7.1' exterior side-yard setback; 2) from 10' to 7.3' rear-yard setback; and 3) from 5' to 3.2' interior side-yard setback at 1315 North M Street.

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES**

ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER

July 10, 2018 – 5:30 P.M.

On roll call, the following commissioners were present: Don Keesee, Richard Morris, Shane Laster, Vicki Newton, Kelly Wilson, Ret Taylor, Marshall Sharpe and Bob Cooper.

Chairman Keesee then called for the vote on the minutes from the June 12, 2018, meeting. Commissioner Sharpe made three amendments. Commissioner Sharpe motioned, seconded by Commissioner Newton to approve the minutes as corrected.

Mr. Wally Bailey spoke on the procedures.

1. Fuller Estate- Preliminary Plat- A request by Ron Brixey.

Chairman Keesee introduced item 1. Mr. Wally Bailey read the staff report indicating approval of the proposed preliminary plat would facilitate the development of duplexes on 16 lots (lots 1-11 and lots 13-17) and a multifamily development on lot 12 consisting of 22 small cottages. Mr. Bailey stated that the existing zoning is Residential Multifamily Family Medium Density (RM-3).

No one was present to speak in favor or opposition of this application.

Chairman Keesee called for a motion on the Preliminary Plat. Commissioner Cooper moved, seconded by Commissioner Laster, to approve the Preliminary Plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the Preliminary Plat was approved.

Josh Carson's Resignation

Mr. Wally Bailey stated that Josh Caron turned in his resignation from the Planning Commission and Board of Zoning Adjustment. Mr. Bailey publicly thanked Mr. Carson for his time and service spent with the Commission.

2. Development Plan #7-5-18; A request by Brett Abbott, agent, for Keith Lau, for a development plan approval for a duplex development at 1001, 1011, & 1021 N. 49th Street. (Development Plan sent back to Planning Commission by Board of Directors)

Chairman Keesee introduced item 2. Mr. Wally Bailey read the staff report indicating on May 8, 2018, the Planning Commission approved a development plan for six duplexes (12 dwelling units) for the above-referenced address. The vote was 6 in favor and 2 opposed (Commissioner's Laster and Newton). At the same meeting, the Board of Zoning Adjustment also approved the front-yard setback from 30' to 25', an exterior side-yard setback from 30' to 25' on two corner lots facing Grand Avenue, and from 10,500 s.f. minimum lot size/4 dwellings per acre. The variances facilitate the re-platting of the existing three lots into six (6) individual lots. Mr. Bailey stated that on May 18, 2018, the neighborhood submitted an appeal of the Planning Commission's decision. Mr. Bailey further stated that on June 5, 2018, the Board of Directors considered the appeal. Residents opposed to the development expressed concerns regarding parking, traffic, devaluation of properties, the number of bedrooms in the proposed duplexes, the developer's plan to rent by the room, and concerns that the proposed development was not consistent with the city's definition of duplex. The Board of Directors voted unanimously to refer the development plan back to the Planning Commission to specifically address concerns about parking and other concerns expressed by the residents.

Mr. Bailey stated that a seconded neighborhood meeting was held Monday, June 25, 6:00 p.m. at the Fort Smith main branch of the public library. The meeting was attended by approximately 21 residents. Mr. Bailey stated that at the meeting, the developer proposed several amendments to the development including:

1. The guest parking shall be eliminated to allow for more green space/landscaping. In exchange for taking out the guest parking, "No Parking" signs shall be placed along the street in front of the development.
2. A landscape buffer shall be installed along the front of the property.
3. Trash and recycle cans shall be screened under the stairs in the parking area.
4. No traffic will be able to pass through between 48th and 49th streets to control traffic on each side of the development, eliminating the drive connections from east/west.
5. No multi-tenant leasing allowed- each unit will be under 1 lease.
6. Signage will be installed on the property stating "Tenant Parking Only" to deter guest parking on the property.
7. Occupancy of each unit shall be limited to one person per room or no more than 4 per each side of the duplex within the limits of the law.
8. Drainage of the property shall be designed by an engineer.
9. One unit will be reserved to an on-site manager at a reduced-rent rate in exchange for management services.
10. The developer shall collaborate with the city traffic engineer and a contracted engineering service for a traffic study to look at potential impact on the neighborhood.

Mr. Bailey stated the planning staff received a letter from Roberta Parks at 1116 North 49th with concerns about property values, increased density, traffic, the proposed land use, parking, and quality of life. Mr. Bailey stated the planning staff also received an email from Bob Watkins on North 50th Street, who was not opposed to the project.

Mr. Bailey stated that a traffic statement had been submitted by Hawkins-Weir Engineers which indicated no traffic impacts by its development. Stan Snodgrass, City Engineer, reviewed the report and agreed with the development.

Mr. Bailey, also covered the revised drawings that addressed several issues such as the parking, screening trash cans, and removed the “pass-thru” driveways.

Josh Carson (Fort Smith, AR) was present to represent this application. Mr. Carson stated that the zoning is Residential Single Family-Duplex Low/Medium Density (RSD-2). Mr. Carson stated that Mr. Lau has made several amendments to his development to help with the concerns from the neighboring property owners. Mr. Carson further stated that based on the definition by the UDO (Unified Development Ordinance), Mr. Lau application meets all the requirements for the six duplexes (12 dwelling units) on six individual lots.

Sandy Diamond (1104 N. 49th Street), Cindy Remler (1512 N. 49th Street) and Betina Rowsey (1123 N. 49th Street) stated concerns with the overall vision for their neighborhood. They stated concerns with traffic, increased density, property values and trees being removed that have been there for decades.

Commissioner Cooper asked Mr. Bailey for clarification of the UDO (Unified Development Ordinance) definitions, which Mr. Bailey gave the explanations.

Chairman Keesee called for a motion on the Development Plan. Commissioner Cooper moved, seconded by Commissioner Wilson, to approve the Development Plan, subject to the following staff comments:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted by limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The development shall comply with the proposed amendments to its plans and the list of items offered by the developer.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 7 in favor and 1 opposed (Newton). Chairman Keesee announced the Development Plan was approved.

- 3. Rezoning Application #17-7-18; A requested by Crafton Tull & Associates, agent, for ERC Holdings, LLC, for a zone change from not zoned and Residential Single Family High Density (RS-4) to a Planned Zoning District (PZD) at 7701 Wells Lake Road.**
- 4. Pinnacle Park at Chaffee- Preliminary Plat- Lots 1-51, A request by Crafton Tull & Associates.**

Chairman Keesee introduced items 3 and 4. Mr. Wally Bailey read the staff report indicating approval of the rezoning would facilitate the development of 11.65 acres consisting of 51 lots for zero-lot line single-family houses. Mr. Bailey stated the property is located east of McClure Drive with approximately 800' of street frontage on Wells Lake Road and approximately 400' of street frontage on Veterans Avenue. Mr. Bailey stated that a neighborhood meeting was held on Tuesday, July 3, 2018, at 5:30 p.m. at 8101 McClure Drive. No neighboring property owners attended the meeting.

Mr. Bailey read the staff report on item 4, indicating approval of the proposed Preliminary Plat would facilitate the development of single family, zero-lot line homes in a gated subdivision. Mr. Bailey stated that the property is located east of McClure Drive with frontages on Wells Lake Road and Veterans Avenue.

No one was present to speak in favor or opposition of this application.

Connor Threet was present to represent this application.

Chairman Keesee called for a motion on the Rezoning (item 3). Commissioner Cooper moved, seconded by Commissioner Taylor, to approve the Rezoning.

Chairman Keesee called for a vote on the motion to approve the application. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the Rezoning was approved.

4. Pinnacle Park at Chaffee- Preliminary Plat- Lots 1-51, A request by Crafton Tull & Associates.

No one was present to speak in favor or opposition of this application.

Conner Threet was present to represent this application.

Chairman Keesee called for a motion on the Preliminary Plat (item 4). Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the Preliminary Plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- Approval by the FCRA/Chaffee Design Review Committee.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the application with staff comments. The vote was 8 in favor and 0 opposed. Chairman Keesee announced the Preliminary Plat was approved.

5. Rezoning Application #18-7-18; A request by Crafton Tull & Associates, agent, for Bost Inc. for a zone change from not zoned to Residential Single Family Medium/High Density (RS-3) at 8001 Wells Lake Road.

6. Lakeside Crossing- Preliminary Plat- Lots 1-60; A request by Crafton Tull & Associates.

Chairman Keesee introduced items 5 and 6. Ms. Maggie Rice read the staff report indicating approval of the rezoning would allow for a 60 lot single family subdivision located between Wells Lake Road and Veterans Avenue. Ms. Rice stated that the subject property is on the east side of Wells Lake Road between Custer Boulevard and McClure Drive. The tract contains an area of approximately 16 acres with approximately 825 feet of street frontage along Wells Lake Road and 825 feet of street frontage on Veterans Avenue. Ms. Rice stated that a neighborhood meeting was held on Tuesday, July 3rd. No neighboring property owners attended the meeting.

Ms. Rice read the staff report on item 6, indicating approval of the proposed Preliminary Plat would facilitate the development of single family homes.

No one was present to speak in favor or opposition of this application.

Connor Threet was present to represent this application.

Chairman Keesee called for a motion on the Rezoning (item 5). Commissioner Taylor moved, seconded by Commissioner Newton, to approve the Rezoning.

Chairman Keesee called for a vote on the motion to approve the Rezoning. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper). Chairman Keesee announced the Rezoning was approved.

6. Lakeside Crossing- Preliminary Plat- Lots 1-60; A request by Crafton Tull & Associates.

No one was present to speak in favor or opposition of this application.

Conner Threet was present to represent this application.

Chairman Keesee called for a motion on the Preliminary Plat (item 6). Commissioner Taylor moved, seconded by Commissioner Laster, to approve the Preliminary Plat, subject to the following staff comments:

- The developer must agree to meet all franchise and City utility easement requirements.
- The preliminary and final plat must comply with the city's Subdivision Design and Improvement Standards Specifications for Public Works Construction.
- Approval by the FCRA/Chaffee Design Review Committee.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the Preliminary Plat with staff comments. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper). Chairman Keesee announced the Preliminary Plat was approved.

7. Conditional Use # 7-7-18; A request by Pamela Tyler, agent, for Bost Inc. for a church at 4401 Yorkshire Drive.

Chairman Keesee introduced item 7. Ms. Maggie Rice read the staff report indicating approval would allow for the existing building and parking lot to be utilized as a church. The existing building was previously a preschool. The applicant stated in the application that landscaping would be added to the existing concrete planters and side of the property. Ms. Rice stated that a neighborhood meeting was held Thursday, July 5, 2018, on site. No neighboring property owners attended the meeting.

No one was present to speak in favor or opposition of this application.

Pamela Tyler was present to represent this application and spoke in support.

Chairman Keesee called for a motion on the Conditional Use. Commissioner Sharpe moved, seconded by Commissioner Newton, to approve the Conditional Use, subject to the following staff comments:

- Contingent upon the church having a maximum occupancy of 40 people unless additional or shared parking is secured.

Following the discussion by the planning commission, Chairman Keesee called for a vote on the motion to approve the Conditional Use with the staff comments. The vote was 7 in favor, 0 opposed and 1 abstention (Cooper). Chairman Keesee announced the Conditional Use was approved.

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

8. Variance 23-7-18; A request by Diane Davis, owner, for the following variances: 1) from 7.5' to 5.6' interior side-yard setback; 2) from 10' to 6.6' rear-yard setback; and 3) from 10' to 0' minimum distance between structures on the same lot at 3100 Carrington Pointe Road.

Chairman Keesee introduced item 8. Ms. Maggie Rice read the staff report indicating approval would allow the owner to finish and keep the partially installed pool deck. The applicant is also applying for a temporary revocable license to allow the pool deck to remain in the 15' utility easement at the rear of the property. The contractor started building the pool deck without a building permit not knowing a permit was required. Ms. Rice stated that a neighborhood meeting was held Tuesday, June 19, 2018, at 5:30 p.m. on site. Nine neighboring property owners were present at the neighborhood meeting. The neighbors had several questions.

Diane Davis was present to represent this application and spoke in support.

Robert Miller (2608 Carrington Pointe Rd) stated concerns with the violations against the provisions of the Carrington Pointe covenants.

Chairman Keesee called for a motion. Commissioner Taylor moved, seconded by Commissioner Cooper, to approve the following Variances, subject to the following staff comments:

- Contingent upon approval of the Temporary Revocable License by the City Board of Directors.

Following the discussion by the board of zoning adjustment, Chairman Keesee called for a vote on the motion to approve the following variances. The vote was 2 in favor (Sharpe & Morris) and 6 opposed (Keesee, Taylor, Wilson, Newton, Laster and Cooper) Chairman Keesee announced the Variances were denied.

There being no further items, the meeting adjourned at approximately 7:30 p.m.

Memo

To: City Planning Commission

From: Planning Staff

Date: August 6, 2018

Re: Lakeside Crossing, Lots 1-61 – Final Plat – Crafton Tull & Associates

SUBDIVISION LOCATION

The property is located north of the Stonecrest Addition subdivision and south of Free Boulevard with frontages on Wells Lake Road and Veterans Avenue in Chaffee Crossing. The site contains approximately 17 acres.

PROPOSED LAND USES

Approval of the final plat will facilitate the development of single family homes.

EXISTING ZONING

The property is currently zoned Residential Single Family Medium-High Density (RS-3). The RS-3 zoning district provides for medium-to-high density, compact single family detached development on new sites or as infill construction.

PROPOSED LOT SIZE

The lots range in width from 60' to 75' and contain a lot area from approximately 7,700 s.f. to 9,700 s.f. The lots exceed the minimum 6,500 s.f lot size required by the RS-3 zoning district.

PROPOSED SITE FEATURES

Access – Two ingress and egress points will be provided by proposed streets intersecting with Veterans Avenue and Wells Lake Road.

Landscaping – A 20' perimeter landscape area is proposed on the subdivision frontages abutting Veterans Avenue and Wells Lake Road.

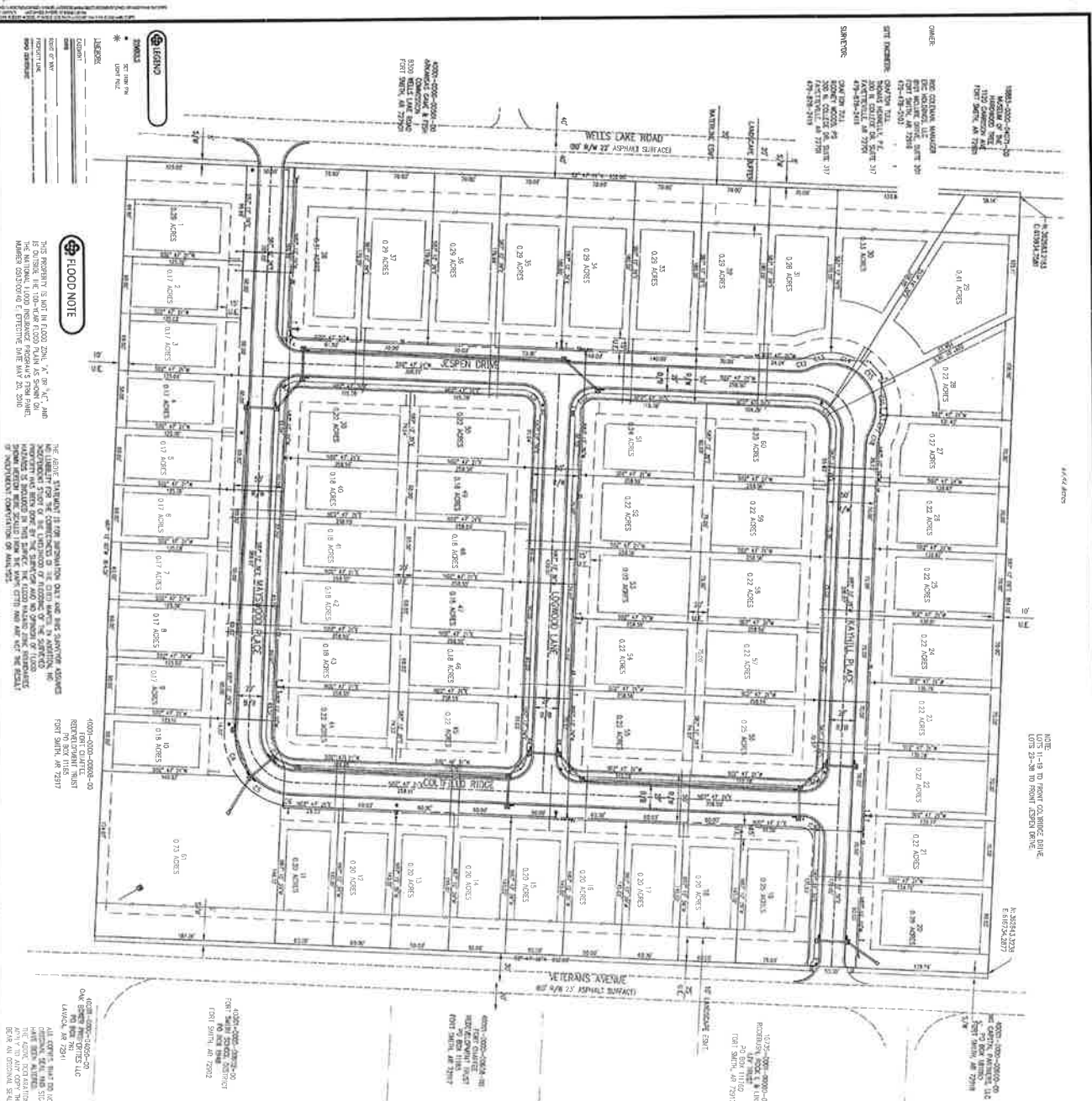
Sidewalks – 5' wide sidewalks are proposed on one side of all internal streets in compliance with the Unified Development Ordinance. Sidewalks are also proposed adjacent to the subdivision on Veterans Avenue and Wells Lake Road. The developer received approval for a variance from the Chaffee Crossing Design Review Committee from the Chaffee Crossing Master Development Guidelines regulations that require sidewalks on both sides of internal streets.

Detention Pond – A detention pond is proposed at the southeast corner of the site on Lot 61.

STAFF RECOMMENDATIONS

We recommend approval of the final plat with the following comment:

After all required approvals of the plat and the affixing of all required signatures on the original tracing and other copies and associated documents, the plat will be filed with the Sebastian County Clerk.



PROPERTY DESCRIPTION

LOT 1-38 TO FRONT COLORED BOUNDARY LINE
LOT 39-48 TO FRONT COLORED BOUNDARY LINE

PROJECT INFORMATION

OWNER: **ERC HOLDINGS LLC**
 PROJECT: **LOT 1-38 TO FRONT COLORED BOUNDARY LINE**
 PREPARED BY: **ERC HOLDINGS LLC**
 DATE: **10/1/2010**

LEGEND

LOT 1-38 TO FRONT COLORED BOUNDARY LINE
 LOT 39-48 TO FRONT COLORED BOUNDARY LINE

GRAPHIC SCALE IN FEET

0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 1000

PROPERTY DESCRIPTION

LOT 1-38 TO FRONT COLORED BOUNDARY LINE
 LOT 39-48 TO FRONT COLORED BOUNDARY LINE

GRAPHIC SCALE IN FEET

0 50 100 150 200 250 300 350 400 450 500 550 600 650 700 750 800 850 900 950 1000

Final Plat for Lakeside Crossing

Lots 1-60

Legend

Item 1



Google Earth

Memo

To: City Planning Commission

From: Planning Staff

Date: August 7, 2018

Re: Rezoning #20-8-18 - A request by Ron Brixey, agent, for Willowbrook, LLC, and Central Christian Church, for Planning Commission consideration of a zone request from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) by extension located at 5601 Park Avenue

PROPOSED ZONING

This zoning request would allow the single family home at 5601 Park Avenue to be incorporated with the adjacent PZD permitting it to be utilized as student housing.

LOT LOCATION AND SIZE

The subject property is on the north side of Park Avenue between North Waldron Road and North 57th Street. The tract contains an area of 1.29 acres with approximately 172 feet of street frontage along Park Avenue.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density Special (RM-3-SPL).

The Special (SPL) required that the rezoning from RSD-2 to RM-3 is subject to the development plan approved on March 6th 2018.

Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet
Maximum Density – 20 Dwelling Units/Acre
Minimum Lot Width at Building Line – 60 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 7.5 feet
Rear Yard Setback - 10 feet
Side/Rear adjacent to RS district/development – 30 feet
Minimum building separation – 10 feet

Maximum Height - 40 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

The area to the north is zoned PZD and is developed as Central Christian Church.

The area to the east is zoned RM-3-SPL and is undeveloped. An approved development plan proposes construction of a multifamily development.

The area to the south is zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and is developed as single-family residences.

The area to the west is zoned PZD and is being developed as student housing.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Park Avenue as a Major Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Attached. This classification is intended to provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **Yes**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **Yes**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **Yes**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **Yes**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **Yes**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **Yes**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **Yes**

- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **The PZD Booklet states that traffic generated by the Campus Ministry Housing for Students will be minimal throughout the day. It is anticipated that a large portion of the student traffic will be local walk-ins to and from UAFS. Traffic generated by the Church should be virtually unchanged.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The PZD Booklet indicates that the plan exceeds the UDO as follows: 1) Restricted uses to those that have a relationship with the religious academic nature of the surrounding land uses; and 2) signage will be limited and no free-standing signs will be permitted.**

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday August 6, 2018 at 5:30 P.M. at 400 North Waldron Road.

One property owner was in attendance but had no objections. A copy of the attendance record and meeting summary are enclosed.

STAFF COMMENTS

Based on surrounding zoning and land uses, the requested zoning is compatible.

STAFF RECOMMENDATIONS

Staff recommends approval with the following comments:

1. On-site parking shall comply with the UDO parking requirements regarding number of required parking spaces and the size and maneuvering areas for the parking spaces.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Part of the SE/4, NE/4, Section 14, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

A complete description is attached.

2. Address of property: 400 North Waldron Road and 5403, 5505, & 5601 Park Avenue
3. The above described property is now zoned: RM-3 (Residential Multifamily Medium Density and PZD Planned Zoning District
4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.
5. Explain why the Planned Zoning District is requested?

Central Christian Church proposes to extend it's ministry by converting the residences
on the adjacent property to Campus Ministry Housing For Students

Central Christian Church
Tim Beasley, Pastor
Owner or Agent Name
(please print)

400 North Waldron Road
Fort Smith, Arkansas 72903
Owner or Agent Mailing Address

Signed:


Owner

or

Agent

479-452-1901
Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Part of the SE/4, NE/4, Section 14, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

Complete description attached.

Address of property 400 North Waldron Road
5403, 5505, 5601 Park Avenue has filed with the Director of Planning a
(Street Address)
written application to City of Fort Smith, Arkansas, to request a zone change from
RM-3 and PZD to a Planned Zoning District by Extension.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Part of the SE/4, NE/4, Section 14, T-8-N, R-32-W, Fort Smith, Sebastian County, Arkansas

Full description Attached

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None


Signature

(If no restrictive covenants exist, indicate "none".)*

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.


We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Tim Beasley to act as our agent in the matter.
(Print Name of Agent)

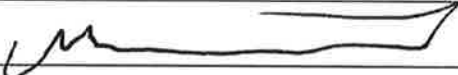
(Type or clearly print)

NAMES OF ALL OWNERS.

1. Central Christian Church
Tim Beasley, Pastor
2. _____
3. Willowbrook, LLC
Mark Spradlin , Managing Partner
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

SIGNATURE OF ALL OWNERS.





This form is necessary only when the person representing this request does not own all property.

Miller, Perry

From: Miller, Perry
Sent: Thursday, August 02, 2018 4:08 PM
To: Planning Email Group
Subject: 5601 Park Avenue Rezoning

Tina Rose (918-618-2156) called to discuss the rezoning at 5601 Park Avenue. She lives at 5900 Kinthead Avenue and is in support of the rezoning. I will add this letter to the file, red folder, and on the g-drive.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

PZD BOOKLET

PLANNED ZONING DISTRICT


CERTIFICATION STATEMENT

Central Christian Church owner of the property located at 400 North Waldron Road does hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance

I hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort Smith to approve the zoning.

Central Christian Church

BY:


Tim Beasley, Pastor

DATE:

7/20/2018

**CENTRAL CHRISTIAN CHURCH
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: CENTRAL CHRISTIAN CHURCH
CENTRAL CHRISTIAN CHURCH ADDITION, LOT 1
AND PART OF SECTION 14, T-8-N, R-32-W
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS**


**LOCATION: 400 NORTH WALDRON ROAD
AND 5403 & 5505 PARK AVENUE
FORT SMITH, ARKANSAS**

**OWNER: CENTRAL CHRISTIAN CHURCH
400 NORTH WALDRON ROAD
FORT SMITH, ARKANSAS 72903
PHONE: 479-452-1901**

**SUBMITTED TO: CITY OF FORT SMITH
623 GARRISON AVENUE
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.
P.O. BOX 6180
FORT SMITH, ARKANSAS 72906**

AUGUST, 2018


**RONALD BRIXEY
ARK. REG. P.E. NO. 4456**

**CENTRAL CHRISTIAN CHURCH
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The owner of the tract located at 400 North Waldron Road is currently utilizing the property as a church. This usage was allowed by a previously approved conditional use.

The intent is to purchase the adjoining residential properties (5403, 5505, and 5601 Park Avenue) to be utilized for Campus Ministry Housing for students.

3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.

Central Christian Church, 400 North Waldron Road, Fort Smith, Arkansas 72903 Phone 479-452-1901.

Harward M. Barry and Caroline L. Barry, 100 North 6th Street, Fort Smith, Arkansas 72901. Sale of the Barry property to the church is pending.

Willowbrook, LLC, P.O. Box 180880, Fort Smith, Arkansas 72918. Sale of the Willowbrook property to the church is pending.

3c. Summary description of the scope, nature, and intent of the proposal.

The PZD will include an area of approximately 8.70 acres located at the northeast quadrant of the intersection of North Waldron Road and Park Avenue. The property to the northwest is zoned RSD-2. This property is developed as a parking lot by the UAFS campus. The property to the north is zoned RSD-2. This property is developed primarily as a parking lot by the UAFS campus with on campus building. The property to the northeast is zoned RSD-2. This property is owned by UAFS and is currently vacant.

The property to the east is zoned RSD-2. This property is developed as single family residential. The property to the west is zoned RSD-2. This property is developed as single family residential. The property to the south, southwest, and southeast is zoned RSD-2. This property is developed as single family residential.

Proposed PZD uses include most uses allowed by the current RSD-2 zoning including the currently approved conditional use (for the current church property) of Church. The PZD also allows a variety of uses related to religious and academic activities (see Chart 1).

The intent is to continue the current use of Church and to add the use of Campus Ministry Housing for Students. This will include house rules and some oversight of the residential program by ministry team leaders and church staff.

3d. General project scope:

i. Street and lot layout

See attached Site Plan.

Access to the site will be from North Waldron Road and from Park Avenue. North Waldron road is classified as a Major Arterial Street. It is currently five lane with a 100 foot wide right of way. Park Avenue is classified as a Major Collector Street. It is currently two lane with a 60 foot wide right of way.

ii. Site plan showing proposed improvements

No improvements are proposed at this time.

See attached Site Plan for existing improvements.

iii. Buffer areas, screening, and landscaping

Buffer areas, Landscaping, and Screening for all modification or new construction on the site will comply with all requirements of Section 27-602 of the UDO. Landscaping will be maintained under a landscape management plan.

See attached Site Plan.

iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas

No undisturbed natural areas are proposed.

vi. Existing and proposed utility connections and extensions

No utility extensions are proposed at this time. Should any extensions be required by future modifications or construction, detailed plans and specifications will be submitted to the City for review.

See Site Plan.

vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines

viii. Building elevations

No new buildings are proposed at this time.

All future improvements on the property will be constructed to meet or exceed the requirements of the UDO which are set up to minimize adverse effects of the appearance of new developments on surrounding properties

ix. Proposed signage (type and size)

Signage for the Church will be limited to the existing sign. Any replacement of the existing sign will be no larger than the current sign and will be properly permitted. Any future signage for the Campus Ministry Housing for Students will be limited to monument signs with a maximum surface area of 50 square feet. Facade signage will be limited to 5 percent of the wall area. All signage will be permitted separately.

3e. Proposed development phasing and timeframe

The current development plan is limited to architectural changes inside the two campus ministry housing structures. This work is proposed to be constructed in one phase.

Construction is to begin January 2, 2018 and be completed by September, 2018.

All dates are approximate.

3f. Identify land use designations

The current land use designation of the Church portion of the property is Public/Institutional. The current land use designation of the Campus Ministry Housing for Students is Residential Detached.

3g. Identify area and bulk regulations

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	10,500 s.f.
Min. Lot Width at BSL	75 feet
Max. Lot Coverage	50%
Max. Height	35 feet
Addnl. Height	see 27-404 D. of the UDO

Setbacks	
Front	30 feet
Side	7.5 feet
Street side/corner	30 feet
Rear	10 feet
Side/Rear Adjacent to	30 feet
RS dist/development	
Minimum Street Frontage	50 feet
Minimum Bldg Separation	10 feet

3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)

Comparison is between the proposed PZD restrictions and the RSD-2 restrictions.
See Chart 1 - PZD Permitted Land Uses vs. Current Zone Land Uses.

	PZD	RSD-2
Density	8 DU/Acre	4 DU/Acre
Min. Lot Size	10,500 s.f.	10,500 s.f.
Min. Lot Width at BSL	75 feet	75 feet
Max. Lot Coverage	50%	50%
Max. Height	35 feet	35 feet
Addnl. Height	see 27-404 D. of the UDO	see 27-404 D. of the UDO

Setbacks		
Front	30 feet	30 feet
Side	7.5 feet	7.5 feet
Street side/corner	30 feet	30 feet
Rear	10 feet	10 feet
Side/Rear Adjacent to	30 feet	30 feet
RS dist/development		
Minimum Street Frontage	50 feet	50 feet
Minimum Bldg Separation	10 feet	10 feet

PZD Landscaping

Landscaping design standards will comply with the requirements of UDO Section 27-602-3, Landscaping and Screening

RSD-2 Landscaping

Landscaping design standards are required to comply with the requirements of UDO

Section 27-602-3, Landscaping and Screening

PZD and RSD-2 Exterior Lighting

Exterior building and site lighting shall comply with the UDO

- 3i. **A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 - PZD Uses vs. Current Zone Land Uses.

- 3j. **A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements as follows:

1. Land Uses

The land uses allowed by the PZD will be limited in comparison with those allowed by comparable zoning designations which allow the proposed uses. See Chart 1.

Land uses will be limited to those which have a relationship with the religious/academic nature of the surrounding land uses.

2. Signage

Signage allowed by the PZD will be limited in comparison with those allowed by comparable uses in that no free standing signs will be permitted.

- 3k. **Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.**

Land Use

The PZD will include an area of approximately 8.83 acres located at the northeast quadrant of the intersection of North Waldron Road and Park Avenue. The property to the northwest is zoned RSD-2. This property is developed as a parking lot by the UAFS campus. The property to the north is zoned RSD-2. This property is developed primarily as a parking lot by the UAFS campus with on campus building. The property to the northeast is zoned RSD-2. This property is owned by UAFS and is currently vacant.

The property to the east is zoned RSD-2. This property is developed as single family residential. The property to the west is zoned RSD-2. This property is developed as single family residential. The property to the south, southwest, and southeast is zoned RSD-2. This property is developed as single family residential.

Proposed PZD uses include most uses allowed by the current RSD-2 zoning including the currently approved conditional use (for the current church property) of Church. The PZD also allows a variety of uses related to religious and academic activities (see Chart 1).

Traffic

All traffic from the church will utilize North Waldron Road to access workplaces, shopping areas, schools, or other area services. Traffic from the Campus Ministry Housing for Students will utilize Park Avenue and North Waldron Road (no new driveways are proposed on North Waldron Road) to access workplaces, shopping areas, schools, or other area services.

Traffic generated by the Campus Ministry Housing for Students will be minimal throughout the day. It is anticipated that a large portion of the student traffic will be local walk-ins to and from UAFS. Traffic generated by the Church should be virtually unchanged.

Appearance

All future PZD improvements will be constructed to meet or exceed the requirements of the UDO which are set up to minimize adverse effects of the appearance of new developments on surrounding properties.

Signage

Signage for the Church will be limited to the existing sign. Any replacement of the existing sign will be no larger than the current sign and will be properly permitted. Any future signage for the Campus Ministry Housing for Students will be limited to monument signs with a maximum surface area of 50 square feet. Facade signage will be limited to 5 percent of the wall area. All signage will be permitted separately. Future signage under these restrictions should have no adverse impact on surrounding properties.

3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).

The City Engineering Department has indicated that a traffic study will not be required.

3m. Statement of availability of water and sewer (state size of lines)

A 6 inch waterline runs along the south side of the project on the south side of Park Avenue. An 8 inch waterline runs along the west side of the project on the east side of North Waldron Road.. A 6 inch sanitary sewer line runs along the south side of the project in the south edge of Park Avenue. An 8 inch sanitary sewer line runs along the west side of the project on the west side of North Waldron Road.

All above listed lines are shown on the Site Plan drawing.

CHART 1 - PZD USES VERSUS CURRENT ZONE LAND USES (RSD-2)

Fort Smith Use Matrix

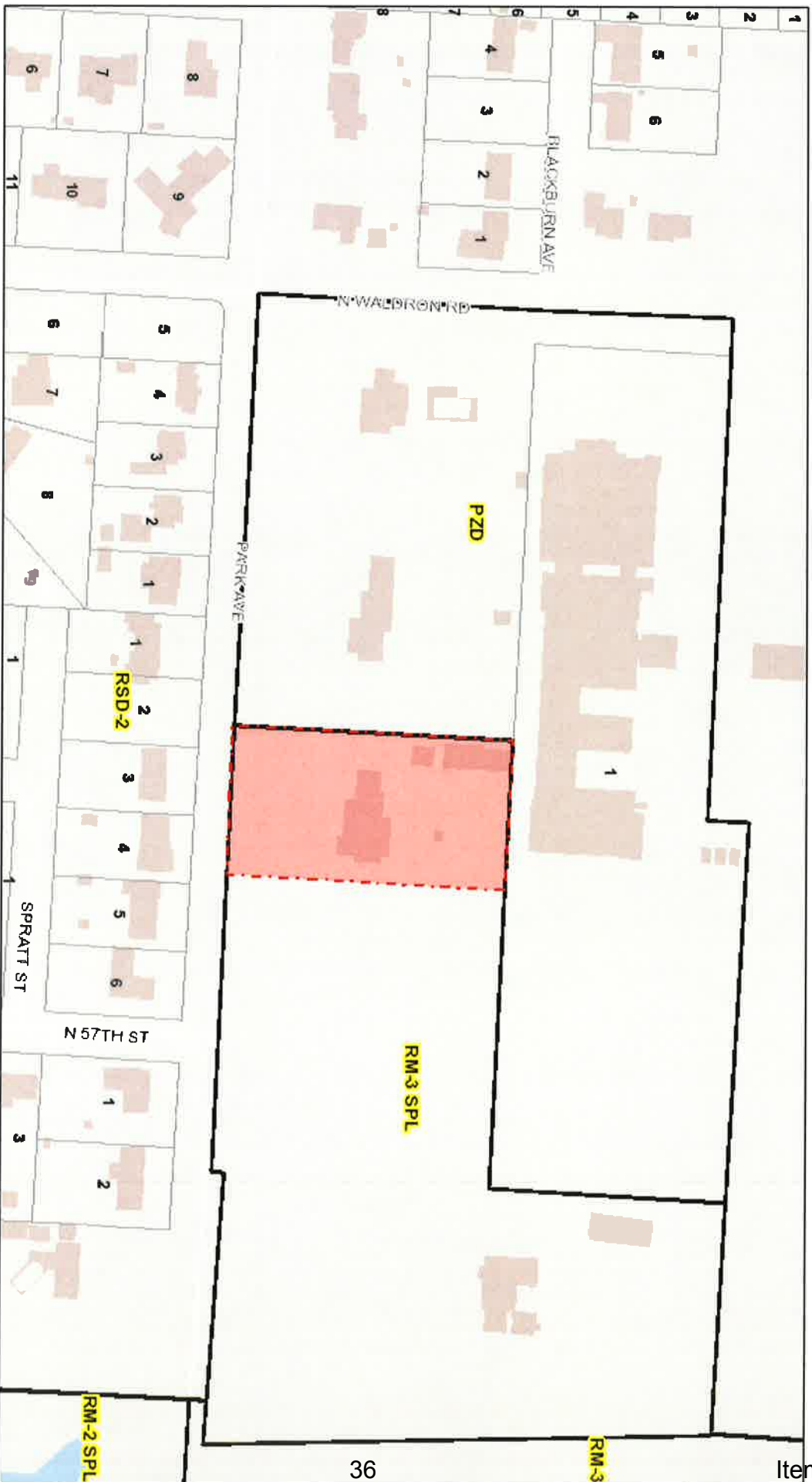
P = Permitted Use, C = Conditional Use, A = Accessory Use Size or density restrictions for any use may be noted in the district Residence or Accommodation	Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
					R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	
Private Household																												
Single Family building																												
Accessory residential dwelling unit																		P	P	P	P	P	P	P				P
Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P
Duplex										P	P	P	P	P	P	P	P	P										P
Guest house	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										P
Row house									P																			P
Zero lot line dwelling unit																	P											P
Hotels, Motels, or other Accommodations																												P
Bed and breakfast inn																												P
Dormitory, sorority, fraternity																												P
Durable Consumer Goods Sales or Service																												P
Bookstore																		P										P
Gift shop																		P	P	P	P	P	P	P				P
Thrift store																												P
Grocery, Food, Beverage, Dairy																												P*
Farmer's market																												
Finance and Insurance																												
Automatic teller machine																												P
Business, Professional, Scientific, and Technical Services																												
Professional Services																												P
Accounting, tax, bookkeeping, payroll																		P	P	P	P	P	P	P	P	P	P	P
Consulting services																		P	P	P	P	P	P	P	P	P	P	P
Offices, corporate																		P	P	P	P	P	P	P	P	P	P	P
Offices, general																		P	P	P	P	P	P	P	P	P	P	P
Property management services (office only)																		P	P	P	P	P	P	P	P	P	P	P
Administrative Services																												P
Business support services																		P	P	P	P	P	P	P	P	P	P	P
Office and administrative services																		P	P	P	P	P	P	P	P	P	P	P
Food Services																												P
Catering service																												P*
Restaurant																		P										C
Restaurant (with outdoor dining)																			C									C
Amusement, Sports, or Recreation Establishment																												
Fitness studio																		P										P
Natural and Other Recreational Parks																												
Park or playground (public and nonpublic)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Education, Public Administration, Health Care and Other Institutions																												
Educational Services																												
College, university, or seminary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Fine art and performance education	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Nursery school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P

Fort Smith Use Matrix

NOTES * THIS USE WILL BE FOR 400 WALDRON ROAD ONLY.
 ** THIS USE WILL BE FOR 5403 AND 5505 PARK AVENUE ONLY.

END OF PZD BOOKLET

Rezoning #20-8-18: From Residential Multifamily Medium Density (RM-3) to Planned Zoning District (PZD) at 5601 Park Avenue



July 27, 2018

- Fort Smith City Limits
- Zoning
- Subdivisions
- Water Bodies
- Parks

Rezoning #20-8-18

5601 Park Avenue

Legend

Item 2

UAFS

UAFS

Central-Christain Church

Residential

Rezoning #20-8-18

Residential

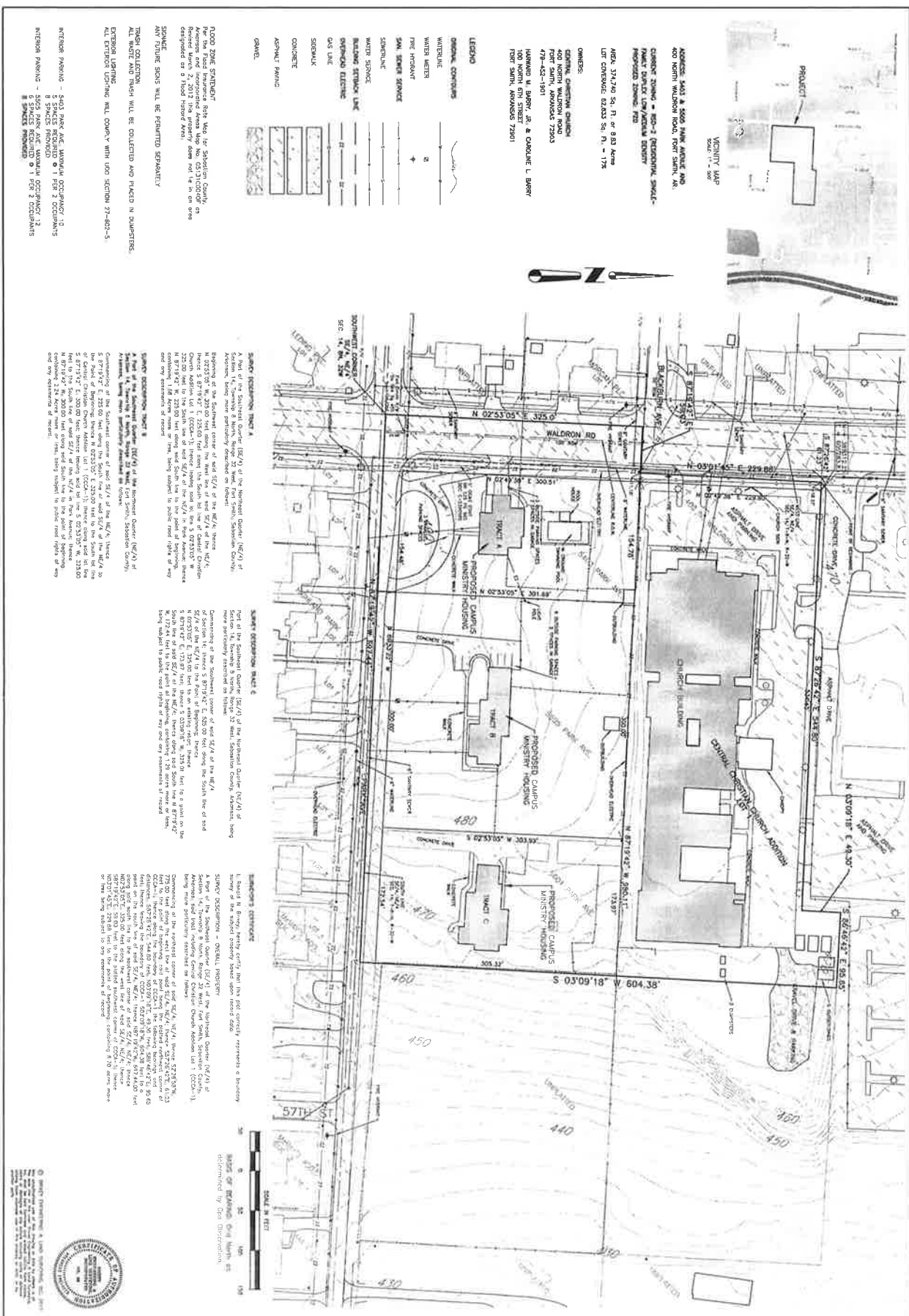
Apartments

Google Earth

Image Landsat / Copernicus

900 ft





From: [Monaco, Tom](#)
To: [Planning Email Group](#)
Subject: Park Avenue Rezoning
Date: Thursday, August 09, 2018 8:51:42 AM

I spoke with Sam Jagers and explained what the church and Mark are proposing and he has no complaints.

Tom Monaco
City Planner
City of Fort Smith
P.O. Box 1908
623 Garrison Avenue Suite 331
Fort Smith, AR 72902
O - (479) 784-2218
F - (479) 784-2462
tmonaco@fortsmithar.gov

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: August 9, 2018

Re: Master Land Use Plan Amendment #6-8-18 – A request by Ron Brixey, agent for Willowbrook, LLC, and Central Christian Church, at 402 North Waldron Road from Residential Detached and Public/Institutional to Residential Attached, companion item to #4 & #5

The Planning Department is in receipt of an application from Ron Brixey, agent, to amend the Master Land use Map from Residential Detached and Public/Institutional to Residential Attached to accommodate a proposed Residential Multifamily Medium Density (RM-3) zoning request. The subject property is on the north side of Park Avenue east of North Waldron Road. The tract contains an area of 2.24 acres.

The property is currently Planned Zoning District (PZD). A companion zoning application requests a Residential Multifamily Medium Density (RM-3) zoning district. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as Public/Institutional and is developed as the UAFS campus.

The area to the east is classified as Residential Attached. The existing single family house will be demolished in conjunction with the overall multifamily development project.

The area to the south is classified as Residential Attached and is undeveloped.

The area to the west is classified as Public/Institutional and is developed as a church.

The proposed Land Use classification of Residential Attached is described as follows:

To provide for diverse populations and households, by supporting variety and options in living environments, and housing, while protecting and improving property values.

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|--|-----|
| • Compatible with and complimentary to surrounding uses. | Yes |
| • Located on high volume arterials and collectors | Yes |
| • Located as a cluster of like services | Yes |
| • Accessible by most modes of transportation | Yes |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | Yes |

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached and Public/Institutional. These classifications are defined as follows:

Residential Detached – To create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

Public/Institutional - To provide for needed community services of both a public and quasi-public nature.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North Waldron Road as a Major Arterial and Park Avenue as a Major Collector.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, August 8, 2018, 4:00 p.m. at 5601 Park Avenue. No surrounding property owners attended the meeting.

STAFF COMMENTS

The request complies with the criteria for designation as Residential Attached.

AND RECOMMENDATIONS

Staff recommends approval contingent upon approval of the companion rezoning application and development plan.

Application Type

☒ **Minor Amendment** ☐ **Standard Amendment** ☐ **Major Amendment**
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☒ **Request to Amend Text** ☐

Applicant Name: WILLOWBROOK, LLC	
Firm Name: BRIXEY ENGINEERING & LAND SURVEYING, INC.	
Address: P.O. BOX 6180, FORT SMITH AR 72906	
Phone # (day): 479.646.6394	Phone # (cell): Fax #: 479.646.6721
Owner Name: WILLOWBROOK, LLC	
Owner Address: P.O. BOX 180880, FORT SMITH AR 72918	
Phone # (day): 479.254.9400	Phone # (cell): Fax #:
Property Address (subject property): 402 NORTH WALDRON ROAD, FORT SMITH	
Subject Property	
Current Land Use: VACANT	
Existing MLUP Classification: RESIDENTIAL DETACHED AND PUBLIC/INSTITUTIONAL	
Proposed MLUP Classification: RESIDENTIAL ATTACHED	
Existing Zoning Classification: PZD	
Proposed Zoning Classification: RM-3 SPL	
Surrounding Property	
Current Land Use: north-	UNIVERSITY CAMPUS
south-	VACANT
east-	SINGLE FAMILY RESIDENCE
west-	CHURCH BUILDINGS AND PARKING
Existing MLUP Classification: north:	PUBLIC / INSTITUTIONAL & RESIDENTIAL DETACHED
south:	RESIDENTIAL ATTACHED
east:	RESIDENTIAL ATTACHED
west:	PUBLIC / INSTITUTIONAL
Existing Zoning Classification: north:	RSD-2
south:	RM-3 SPL
east:	RM-3 SPL
west:	PZD
Pre-Application Meeting Date: 7/20/18	

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).
PART OF THE SE/4 NE/4 SECTION 14 & PART OF THE SW/4 NW/4 SECTION 13 T-8-N, R-32-W
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
DEVELOPMENT PLAN ATTACHED
3. The area dimensions of the property in square feet or acres.
2.24 ACRES
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:
PROPERTY HAS NO ROAD FRONTAGE. THE CLIENT WILL ACCESS THE PROPERTY BY PRIVATE DRIVEWAYS CONNECTING TO PARK AVENUE. THE PROJECT IS
NOT EXPECTED TO ADVERSELY IMPACT TRAFFIC AS IT INTENDS TO HOUSE UNIVERSITY STUDENTS WITHIN WALKING DISTANCE.
5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:
THE PROPERTY IS CURRENTLY SERVED BY EXISTING 6" WATERLINE AND 6" SEWERLINE AT THE WEST END AND BY EXISTING 8" WATERLINE & 8" SEWERLINE AT THE EAST END. THE PROPOSED RESIDENTIAL UNITS WILL BE SERVED BY THE INSTALLATION OF A 6" WATERLINE WITH 4 FIRE HYDRANTS, AND THE INSTALLATION OF A 6" SANITARY SEWER COLLECTOR ALONG PARK AVENUE TIED INTO 4" SANITARY SEWER COLLECTOR LINES SERVING THE PROPOSED RESIDENTIAL UNITS.
6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:
RM-3 ZONING ALLOWS FOR 20 DWELLING UNITS PER ACRE
THE DEVELOPMENT PLAN PROPOSES 69 DWELLING UNITS
THE DEVELOPMENT AREA CONTAINS 8.89 ACRES WHICH WOULD ALLOW 177 UNITS AT MAXIMUM DENSITY
7. Identify any known or anticipated environmental concerns:
A PORTION OF THE PROPERTY LIES WITHIN A DESIGNATED FLOODWAY. THE PLAN HAS BEEN DESIGNED NOT TO ENCROACH ON SAID FLOODWAY.

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.


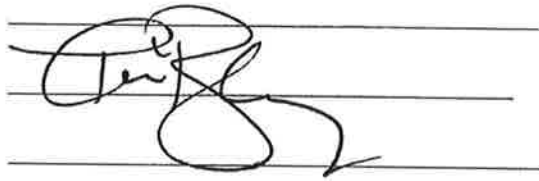
We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. Willowbrook, LLC
Mark Spradlin, Managing Partner
2. _____
3. CENTRAC Christian Church
TIM BEABLEY, PASTOR
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

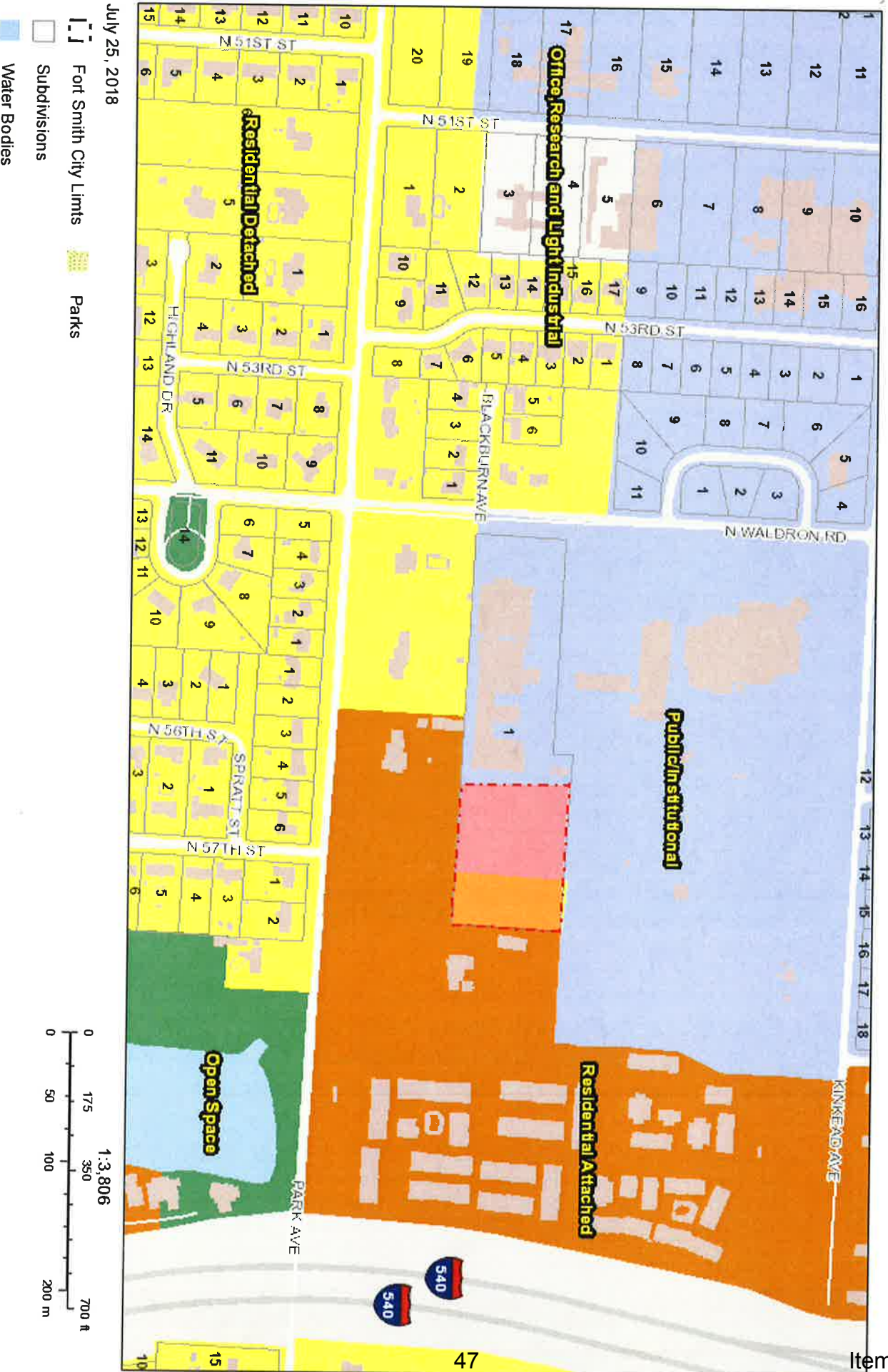
This form is necessary only when the person representing this request does not own all property.

From: [Rice, Maggie](#)
To: [Andrews, Brenda](#); [Miller, Perry](#); [Monaco, Tom](#)
Subject: FW: 402 North Waldron Road - minutes of meeting
Date: Thursday, August 09, 2018 11:13:04 AM
Attachments: [Minutes of meeting 8-8-18.pdf](#)

From: Ron Brixey [<mailto:ron@brixeyeng.com>]
Sent: Thursday, August 09, 2018 10:41 AM
To: Rice, Maggie
Subject: 402 North Waldron Road - minutes of meeting

Ron Brixey
Brixey Engineering & Land Surveying, Inc.
5223 East Highway 45, Fort Smith, Ar. 72916
Phone: 479-646-6394
Cell: 479-650-3400
ron@brixeyeng.com

Master Land Use #6-8-18: Residential Detached & Public/Institutional to Residential Attached 402 North Waldron Road



Master Land Use #6-8-18
402 North Waldron Road

Legend

Item 3

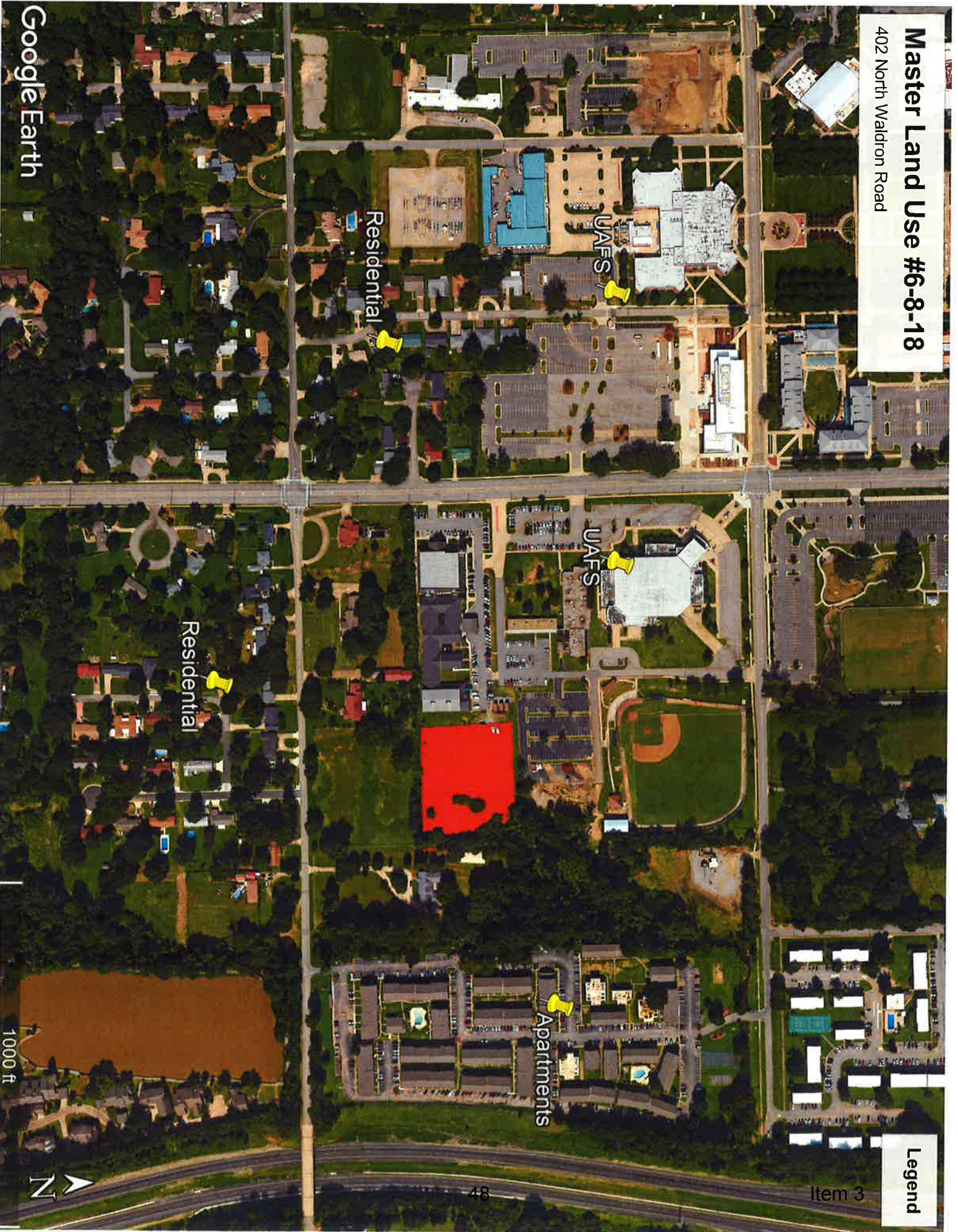
UAFS

UAFS

Apartment

Residential

Residential



[illegible]

Part of Central Christian Church Addition Lot 1 (CCCA-1) being a platted subdivision located in Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at the Northeast corner of said CCCA-1, thence S 030°18' W, 276.00 feet to the Southeast corner of said CCCA-1; thence N 87°54'42" W, 351.36 feet along the South line of said CCCA-1; thence N 030°18' E, 29.57 feet to a point on the North line of CCCA-1; thence S 66°46'42" E, 351.35 feet along the North line of CCCA-1 to the point of beginning, comprising 2.24 acres more or less, being subject to public road rights of way and any easements of record.

Part of the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section 14, Township 8 North, Range 32 West, Sebastian County, Arkansas, being more particularly described as follows:

•

Connecting at the Southwest corner of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 14; thence S 87°19'42" E, 697.44 feet along the South line of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ to the Point of Beginning; thence N 03°09'18" E, 325.01 feet; thence S 87°19'42" E, 351.36 feet to an existing iron pin; thence S 03°09'18" E, 325.01 feet to a signal in pavement on the South line of said SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence along said South line N 87°19'42" E, 351.36 feet to the point of Beginning, containing 2.62 Acres, more or less, being subject to public road rights of way and only documents of record.

1. BASIS OF BEARING: Assumed S 87°19'42" E along the South line of SE/4 NE/4 of Section 14, BN. 32W.

- [illegible]



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CONCEIVING ENGINEERS -- LAND SURVEYORS



LEED®

Completed Point

Set 1/2" from fin

Exter. 1/2" from fin

Set R/L Spoke

Exter. R/L Spoke

Set Nail

Exter. Nail

Exter. Sleeve

Exter. Mounting

Exter. Finnet



PROPERTY SURVEY
PART SE/4 OF THE NE/4
SECTION 14, T-8-N, R-32-W
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS

500-08N-32W-0-14-120-65-0988

Date: 06/13/2018
Drawn By: RJA
Approved: RJB
Job No.: 18-0188
Field

Memo

To: City Planning Commission

From: Planning Staff

Date: August 9, 2018

Re: Rezoning #21-8-18 - A request by Ron Brixey, agent for Willowbrook, LLC, and Central Christian Church, for Planning Commission consideration of a rezoning request from a Planned Zoning District (PZD) to Residential Multifamily Medium Density (RM-3) by extension at 402 North Waldron Road, companion to items #3 & #5

PROPOSED ZONING

Approval of the rezoning request will allow the development of a multifamily development consisting of 13 duplexes and one single family house (27 dwelling units).

This tract consists of 2.24 acres and will be part of larger multifamily development that was approved by the Board of Directors on March 6, 2018. The original development consisted of 53 dwelling units. With the land exchange with Central Christian Church, the overall development will consist of 7.95 acres and 71 dwelling units.

LOT LOCATION AND SIZE

The subject property is on the north side of Park Avenue east of North Waldron Road. The tract contains an area of 2.24 acres.

REQUESTED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

EXISTING ZONING

The existing zoning on this tract is a Planned Zoning District (PZD) to allow the properties at 5403 and 5505 Park Avenue to be utilized as Campus Ministry Housing for students. Other uses are allowed in the PZD, such as single family and duplex homes, bed and breakfast inn, dormitory, sorority, and fraternity, bookstore, gift shop, and educational services.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 8 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and developed as the UAFS campus.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as a single family residence. This house will be demolished in conjunction with the overall multifamily development.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is currently undeveloped. This area is planned as a future multifamily site.

The area to the west is zoned a Planned Zoning District (PZD) and developed as a church.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North Waldron Road as Major Arterial and Park Avenue as a Major Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached and Public/Institutional. These classifications are defined as follows:

Residential Detached – To create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

Public/Institutional - To provide for needed community services of both a public and quasi-public nature.

The applicant has submitted an application to change the MLUP classification to Residential Attached.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, August 8, 2018, 4:00 p.m. at 5601 Park Avenue. No surrounding property owners attended the meeting.

STAFF COMMENTS

Based on surrounding zoning and land uses, the requested zoning is compatible.

STAFF RECOMMENDATIONS

Staff recommends approval contingent upon approval of the companion MLUP amendment and development plan.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

Beginning at the Northeast corner of said CCCA-1; thence S 03°09'18" W, 276.00 feet to the Southeast corner of said CCCA-1; thence N 87°19'42" W, 351.36 feet along the South line of said CCCA-1; thence N 03°09'18" E, 279.37 feet to a point on the North line of CCCA-1; thence S 86°46'42" E, 351.35 feet along the North line of CCCA-1 to the point of beginning, containing 2.24 acres more or less, being subject to public road rights of way and any easements of record.

2. Address of property: 402 North Waldron Road

3. The above described property is now zoned: Planned Zoning District PZD

4. Application is hereby made to change the zoning classification of the above described property to RM-3 by Extension
(Extension or classification)

5. Why is the zoning change requested?

Request is made in order to Consolidate the property with the applicant's adjacent property under one Zone classification to facilitate future development

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Ron Brixey

Owner or Agent Name
(please print)

Owner

5223 E. Hwy. 45, Fort Smith AR 72916
Owner or Agent Mailing Address

or

Ron Brixey
Agent

479-646-6394
Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Part of Central Christian Church Addition Lot 1 (CCCA-1) being a platted subdivision located in Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at the Northeast corner of said CCCA-1; thence S 03°09'18" W, 276.00 feet to the Southeast corner of said CCCA-1; thence N 87°19'42" W, 351.36 feet along the South line of said CCCA-1; thence N 03°09'18" E, 279.37 feet to a point on the North line of CCCA-1; thence S 86°46'42" E, 351.35 feet along the North line of CCCA-1 to the point of beginning, containing 2.24 acres more or less, being subject to public road rights of way and any easements of record.

Address of property 402 North Waldron Road has filed with the Director of Planning a
(Street Address)
written application pursuant to Section 4-1 of the Zoning Code of the City of Fort Smith

Arkansas, to request a zone change from Planned Zoning District PZD to Residential
Multifamily Medium Density RM-3
by Extension.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen(15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

Part of Central Christian Church Addition Lot 1 (CCCA-1) being a platted subdivision located in Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at the Northeast corner of said CCCA-1; thence S 03°09'18" W, 276.00 feet to the Southeast corner of said CCCA-1; thence N 87°19'42" W, 351.36 feet along the South line of said CCCA-1; thence N 03°09'18" E, 279.37 feet to a point on the North line of CCCA-1; thence S 86°46'42" E, 351.35 feet along the North line of CCCA-1 to the point of beginning, containing 2.24 acres more or less, being subject to public road rights of way and any easements of record.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None


Signature

(If no restrictive covenants exist, indicate "none".)*

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

1. Willowbrook, LLC
Mark Spradlin, Managing Partner
2. _____
3. CENTRAL Christian Church
TIM BEASLEY, PASTOR
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

SIGNATURE OF ALL OWNERS.

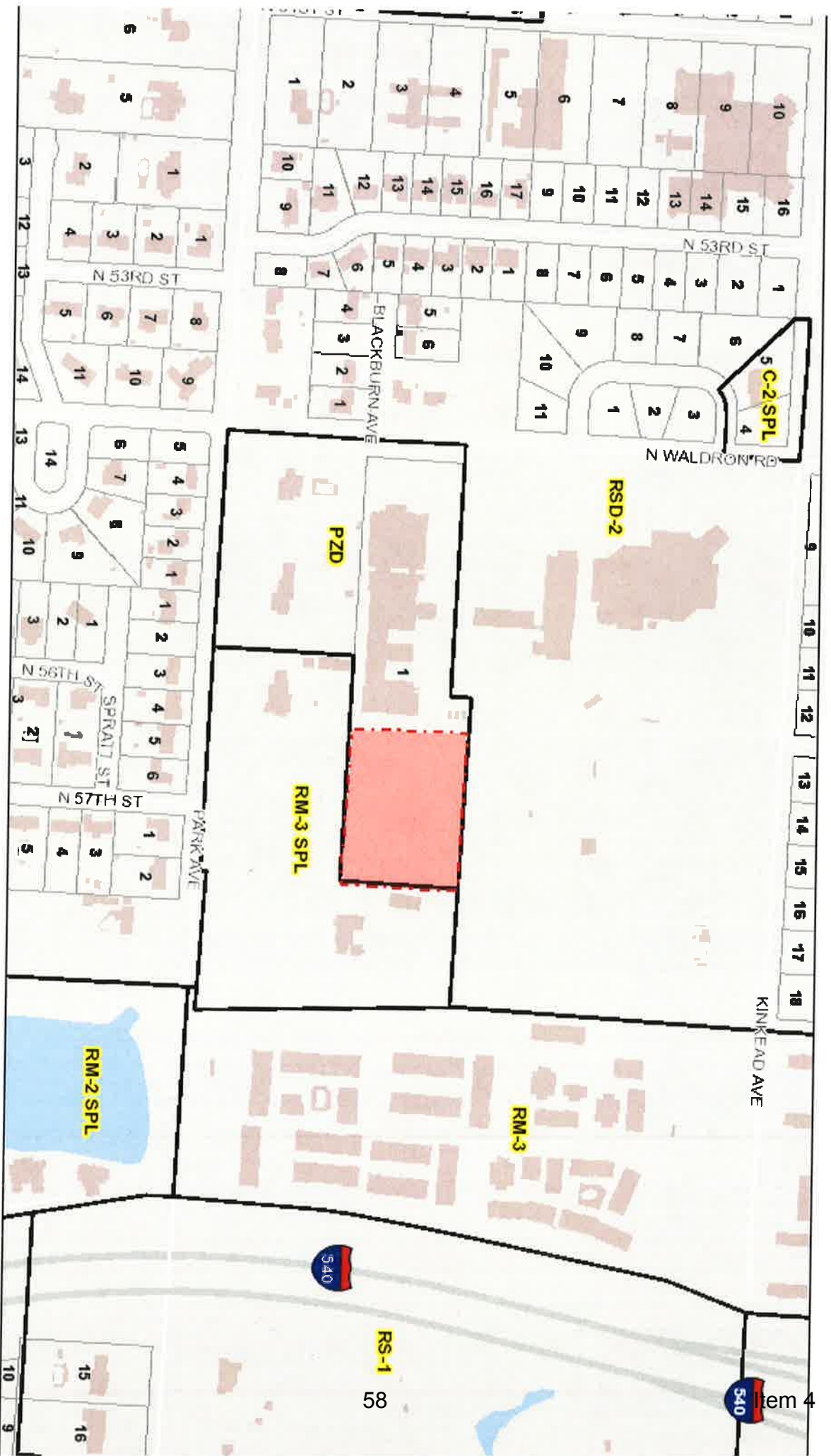
This form is necessary only when the person representing this request does not own all property.

From: [Rice, Maggie](#)
To: [Andrews, Brenda](#); [Miller, Perry](#); [Monaco, Tom](#)
Subject: FW: 402 North Waldron Road - minutes of meeting
Date: Thursday, August 09, 2018 11:13:04 AM
Attachments: [Minutes of meeting 8-8-18.pdf](#)

From: Ron Brixey [mailto:ron@brixeyeng.com]
Sent: Thursday, August 09, 2018 10:41 AM
To: Rice, Maggie
Subject: 402 North Waldron Road - minutes of meeting

Ron Brixey
Brixey Engineering & Land Surveying, Inc.
5223 East Highway 45, Fort Smith, Ar. 72916
Phone: 479-646-6394
Cell: 479-650-3400
ron@brixeyeng.com

Rezoning #21-8-18: Planned Zoning District (PZD) to Residential Multifamily Medium Density (RM-3) at 402 North Waldron Road



July 24, 2018

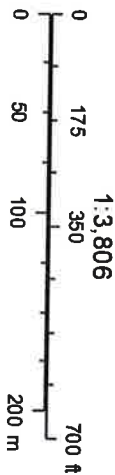
Fort Smith City Limits

Water Bodies

Zoning

Parks

Subdivisions



Rezoning 21-8-18
402 North Waldron Road

Legend

Rezoning #21-8-18

UAFS

Apartments

Residential

Residential

Google Earth

Image Landsat / Copernicus

800 ft



Memo

To: City Planning Commission

From: Planning Staff

Date: August 9, 2018

Re: Development Plan Review - A request by Ron Brixey, agent for Willowbrook, LLC, and Central Christian Church, for Planning Commission consideration of a development plan for a multifamily development at 402 North Waldron Road, companion to items #3 & 4

PROPOSED ZONING

Approval of the development plan will allow the construction of a multifamily development consisting of 13 duplexes and one single family house (27 dwelling units).

The 2.24 acres will be part of larger multifamily development that was approved by the Board of Directors on March 6, 2018. The original development consisted of 53 dwelling units. With the land exchange with Central Christian Church, the overall development will consist of 7.95 acres and 71 dwelling units.

LOT LOCATION AND SIZE

The subject property is on the north side of Park Avenue east of North Waldron Road. The tract contains an area of 2.24 acres.

REQUESTED ZONING

The requested zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

EXISTING ZONING

The existing zoning on this tract is a Planned Zoning District (PZD) to allow the properties at 5403 and 5505 Park Avenue to be utilized as Campus Ministry Housing for students. Other uses are allowed in the PZD, such as single family and duplex homes, bed and breakfast inn, dormitory, sorority, and fraternity, bookstore, gift shop, and educational services.

Area and Bulk Regulations:

Minimum Lot Size – 10,500 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 8 Dwelling Units/Acre	Maximum Lot Coverage - 50%
Minimum Lot Width at Building Line – 75 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 30 feet	
Side Yard on Street Side of Corner Lot - 30 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family – Duplex Low/Medium Density (RSD-2) and developed as the UAFS campus.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and developed as a single family residence. This house will be demolished in conjunction with the overall multifamily development.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped. This area is planned as a future multifamily site.

The area to the west is zoned Planned Zoning District (PZD) and developed as a church.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North Waldron Road as Major Arterial and Park Avenue as Major Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached and Public/Institutional. These classifications are defined as follows:

Residential Detached – To create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

Public/Institutional - To provide for needed community services of both a public and quasi-public nature.

The applicant has submitted an application to change the MLUP classification to Residential Attached.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – This development will have access to Park Avenue associated with the development plan that was approved March 6, 2018. A driveway is also proposed on the north side of the property that will have access to the UAFS campus parking lot that is to the north and east of the applicant's property.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – A detention pond is proposed on the east side of the property and was shown on the previously approved development plan.

Right-of-way dedication – No right-of-way dedication is required

Landscaping – Perimeter landscaping will be provided on Park Avenue and was shown on the previously approved development plan.

Parking – The UDO requires 36 parking spaces and 71 parking spaces are proposed.

Signage – No signage is proposed at this time.

Lighting – No lighting is shown. The plans indicate that all exterior lighting will comply with the UDO Commercial and Outdoor Lighting requirements.

Architectural features – No architectural plans were submitted.

Sidewalks – A 5' wide sidewalk is proposed on Park Avenue adjacent to the development.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, August 8, 2018, at 4:00 p.m. at 5601 Park Avenue. No surrounding property owners attended the meeting.

STAFF RECOMMENDATIONS

Staff recommends approval with the following comments:

1. Approval of the companion Master Land Use Plan Amendment and rezoning applications.
2. All exterior lighting must comply with the UDO lighting regulations.
3. Any signage must comply with signage allowed for multifamily developments.

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

SEE ATTACHED LEGAL

2. Address of property: 402 SOUTH WALDRON ROAD, FORT SMITH

3. The above described property is now zoned: Planned Zoning District PZD

4. Does the development plan include a companion rezoning request?

Yes x No

5. If yes, please specify the companion application submitted:

- ☒ Conventional Rezoning
- ☐ Planned Rezoning
- ☐ Conditional Use
- ☒ Master Land Use Plan Amendment
- ☐ Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:

RM-3 by Extension
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:

North - RSD-2 University Campus buildings and drives
South - RM-3 Vacant
East: RM-3, Single Family residence to be removed
West: PZD Church buildings & drives

8. Total acreage of property 2.24 Acres

Signed:

Ron Brixey

Owner or Agent Name
(please print)

5223 E. Hwy 45, Fort Smith AR 72916

Owner or Agent Mailing Address

479-646-6394

Owner or Agent Phone Number

Owner

or


Agent

NOTICE OF PUBLIC HEARING *(if applicable)*

(Required only if submitted with rezoning, land use amendment, or conditional use application)

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

SEE ATTACHED LEGAL

Address of property 402 North Waldron Road has filed with the Director of Planning a
(Street Address)
written application pursuant to Section 27-331 of the Unified Development Ordinance of the City of Fort Smith, Arkansas, to request a development plan review.

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen(15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

SEE ATTACHED LEGAL DESCRIPTION

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

NONE


Signature

(If no restrictive covenants exist, indicate "none".)*

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

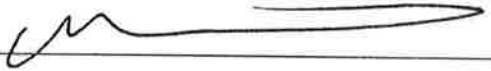
We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

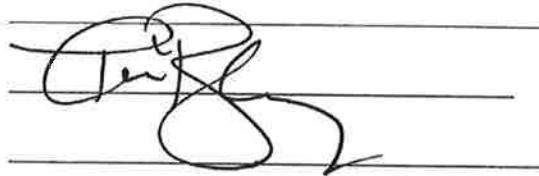
SIGNATURE OF ALL OWNERS.

1. Willowbrook, LLC
Mark Spradlin, Managing Partner



2. _____

3. CENTRAC Christian Church
TIM BEABLEY, PASTOR



4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

This form is necessary only when the person representing this request does not own all property.

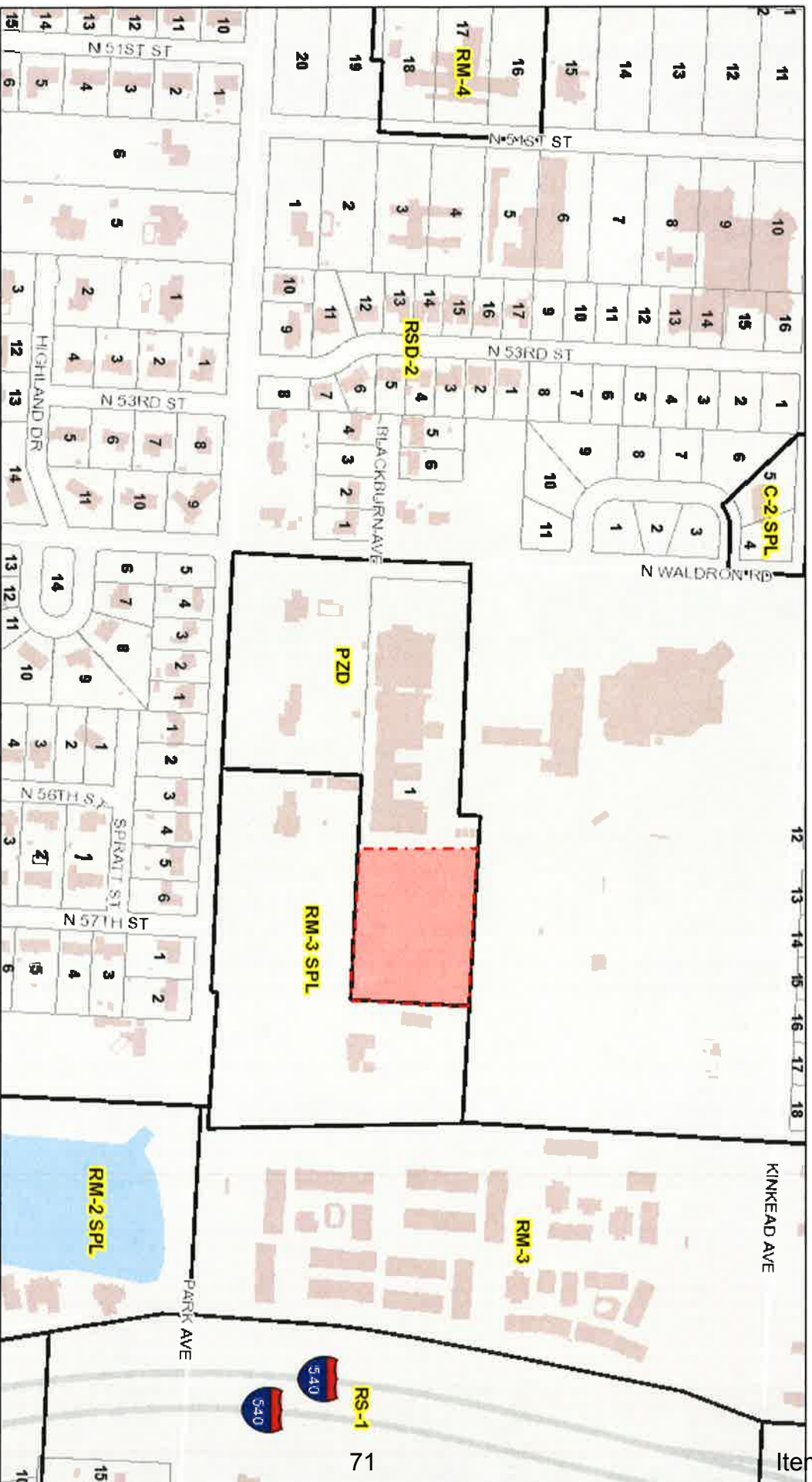
From: [Rice, Maggie](#)
To: [Andrews, Brenda](#); [Miller, Perry](#); [Monaco, Tom](#)
Subject: FW: 402 North Waldron Road - minutes of meeting
Date: Thursday, August 09, 2018 11:13:04 AM
Attachments: [Minutes of meeting 8-8-18.pdf](#)

From: Ron Brixey [<mailto:ron@brixeyeng.com>]
Sent: Thursday, August 09, 2018 10:41 AM
To: Rice, Maggie
Subject: 402 North Waldron Road - minutes of meeting

Ron Brixey
Brixey Engineering & Land Surveying, Inc.
5223 East Highway 45, Fort Smith, Ar. 72916
Phone: 479-646-6394
Cell: 479-650-3400
ron@brixeyeng.com

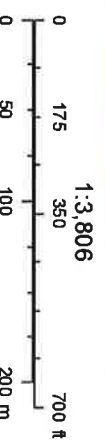
Development Plan 9-8-18: Duplex Development 402 North Waldron Road

Item 5



July 25, 2018

- ☐ Fort Smith City Limits
- ☐ Zoning
- ☐ Subdivisions
- ☐ Water Bodies
- ☐ Parks



Development Plan & Rezoning

402 North Waldron Road

Legend

Item 5

Apartment

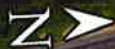
UAFS

UAFS

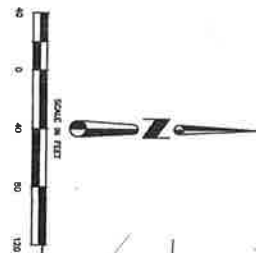
Residential

Residential

Google Earth



1000 ft



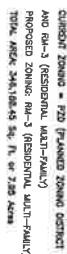
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PROPOSED LANDSCAPING/SCREENING

PLANT	QUANTITY
>2" TREE	1
UTILITY FRIENDLY TREE	1
MIN. 24" SHRUBS	1

PARKING LOT LANDSCAPE SCREENING SHALL CONSIST OF SHRUBS OF AN EQUIVARIANT HEIGHT BE AT LEAST 24 INCHES TALL. THE PLANTING BE SPACED CLOSELY ENOUGH TOGETHER TO PROVIDE A REDUCED HEIGHT OF 3 FEET ABOVE THE FINISHED GRADE. THE CITY MAY REQUEST THAT TREES OR BUSHES BE PLANTED WITHIN 10 FEET OF PUBLIC WATER OR OPEN LINES.

LANDSCAPE MAINTENANCE - ALL LANDSCAPED AREAS WILL BE MAINTAINED IN ACCORDANCE WITH THE LANDSCAPE MAINTENANCE PLAN.



OWNER / DEVELOPER
WILLOWBROOK, LLC
P.O. BOX 180880
FORT SMITH, ARKANSAS 72918
478-254-8400



Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: August 1, 2018

Re: Conditional Use #8-8-18 - A request by Thomas E. Howard, agent, for Ireland Alexander, LLC, for Planning Commission consideration of a conditional use request to develop a restaurant with outdoor dining at 7001 Phoenix Avenue

PROPOSED CONDITIONAL USE

Approval of the conditional use will allow for outdoor dining with 40 seats in a Commercial Heavy (C-5) zone. Restaurants with outdoor dining are allowed with conditional use approval in the C-5 zoning district. The development consists of a 4,672 s.f. restaurant, 81 parking spaces, outdoor dining, and landscaping.

LOT LOCATION AND SIZE

The subject property is on the northeast corner of the South 70th and Phoenix Avenue intersection. The tract contains an area of 1.38 acres with approximately 250 feet of street frontage along South 70th Street and approximately 250 feet of street frontage along Phoenix Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The areas to the north, south, and east are zoned C-5 and are undeveloped.

The area to the west is zoned C-5 and is developed as a hotel/motel.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 70th Street as a Major Collector and Phoenix Avenue as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The proposed development will have two driveways. One driveway will be located on South 70th Street and the other driveway is a shared driveway on Phoenix Avenue.

Easement/utilities – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City's Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

Drainage – The development plan shows a detention pond on the south side of the property to accommodate drainage.

Right-of-way dedication – No new R.O.W. dedication is proposed or required at this time.

Multi-Use bike path – N/A

Landscaping – The development plan shows a 10-foot wide landscape area for perimeter landscaping/parking lot screening adjacent to South 70th Street and Phoenix Avenue. Interior landscaping consisting of trees and shrubbery is also proposed. A final landscaping plan providing details on species, sizes, quantities and spacing in compliance with the UDO shall be submitted with the building permit submittal.

Screening – The plans show that the mechanical area will be screened with a wood fence and the dumpster area will be screened with painted split face concrete masonry units.

Parking – The plan has 81 parking spaces and exceeds the UDO requirements for the number of off-street parking spaces required.

Signage – The plans show conceptual wall signage and a potential monument sign at the intersection. All signage must comply with the UDO and the Phoenix Avenue Overlay signage requirements.

Lighting – No site lighting information is shown. Exterior lighting details must be submitted with the building permit submittal to show compliance with the UDO Commercial and Outdoor Lighting requirements.

Setbacks – The plans show that the restaurant will exceed the setback requirements of the UDO.

Architectural features – The elevations indicate the entire building will consist of 100% high quality materials with a base of natural stone and cementitious siding.

Height and Area – The building will be 4,672 s.f. with a height of 22 feet and complies with the UDO requirements.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Thursday, August 9th, 2018 on site at 2:00 P.M. No surrounding property owners attended the meeting.

STAFF RECOMMENDATIONS

Staff recommends approval of the conditional use with the following comments:

1. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
2. All signage must comply with the UDO and the Phoenix Avenue Overlay District signage regulations.
3. The applicant shall submit exterior lighting details to show compliance with the UDO Commercial and Outdoor Lighting regulations.
4. The applicant shall submit a detailed landscaping plan with species, sizes, quantities, and spacing in compliance with the UDO.

Conditional Use # _____

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Ireland Alexander, LLC.

Name of Authorized Agent (if applicable) Thomas E. Howard, Jr., AIA

Legal Description of property included in the conditional use request:

Lots 3b and 3d Phoenix Commerical Park
7001 Phoenix Ave, Corner of 70th and Phoenix Ave.

Street Address of Property:

7001 Phoenix Ave Fort Smith AR 72903

Existing Zoning Classification:

C-5 Commerical

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Proposed construction of a restaurant with an outdoor dining facility.

What amenities are proposed such as landscaping and screening?

Aditonal landscaping will be provided on the three open sides of the outdoor dining.

Thomas E. Howard Jr
Owner or Agent Name (please print)

Signed:

6101 PHOENIX AVE #1 COM/ARC PARK
Owner or Agent Mailing Address

Owner

479-452-2636
Owner or Agent Phone Number

Or
[Signature]
Agent

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

Lots 3b and 3d Phoenix Commerical Park
7001 Phoenix Ave, Corner of 70th and Phoenix Ave.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

Thomas E. Houser to
Shirley

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize THOMAS E. HOWARD JR to act as our agent in the
(Print Name of Agent) CRETT
matter.

(Type or clearly print)
NAMES OF ALL OWNERS.

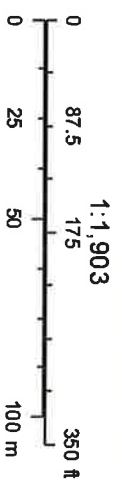
SIGNATURE OF ALL OWNERS.

1. BRETT A. BRUNJICE
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Brett A. Brunjice

This form is necessary only when the person representing this request does not own all the property.

Item 6



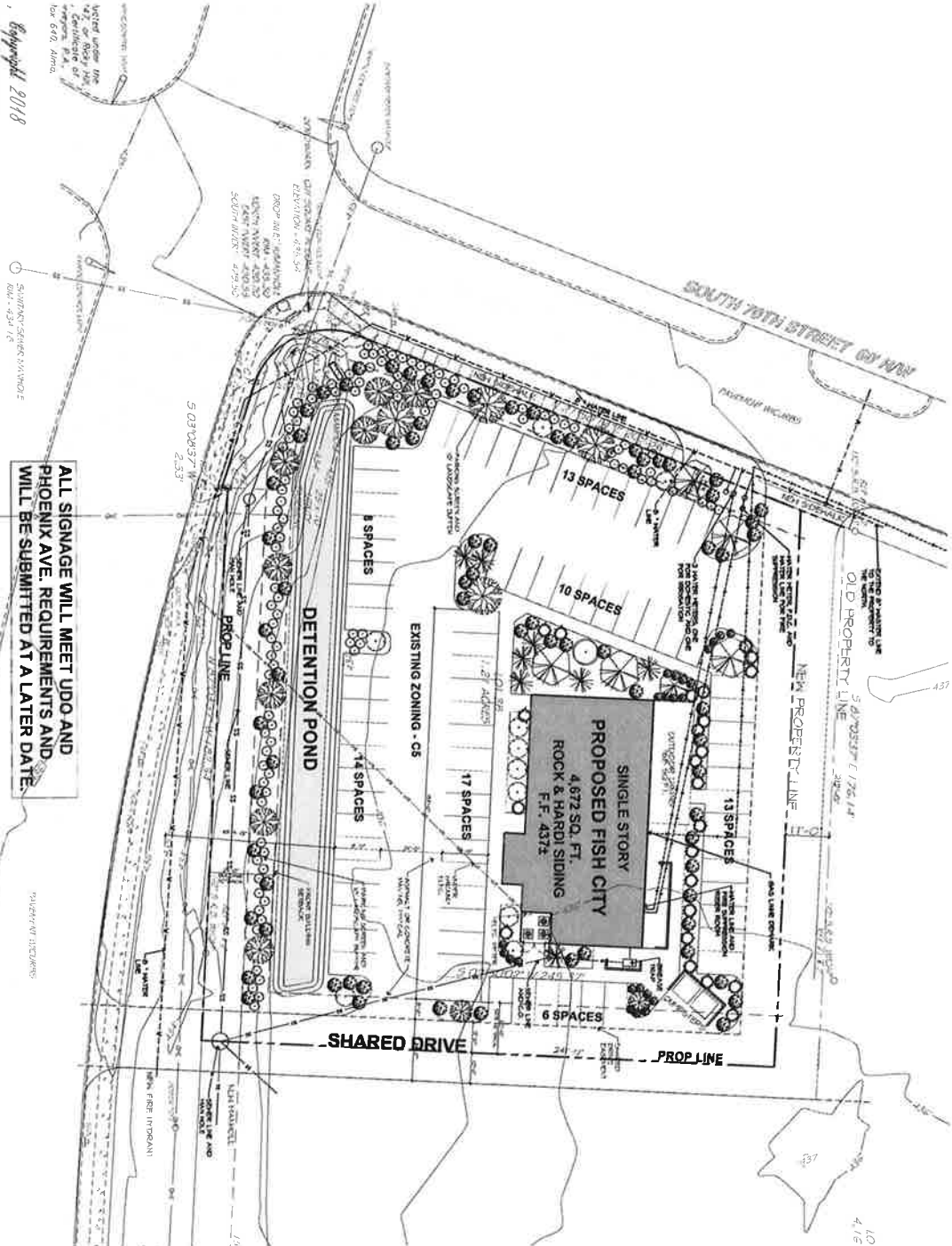
Subdivisions

1 SPACE PER 3 SEATS AND 1 PER EMPLOYEE
 190 SEATS / 3 = 64 SPACES
 14 EMPLOYEES 14 SPACES
 TOTAL PARKING 78 SPACES REQUIRED
 PARKING 81 SPACES PROVIDED
 AREA 1.299 ACRES OR 56,617 S.F.

INTERIOR LANDSCAPE REQUIREMENTS
 PAVED AREA - 32,044 SQ. FT.
 LANDSCAPE AREA - 2,466 SQ. FT.
 EQUALS 7.7% COVERAGE

ALL SIGNAGE WILL MEET UDO AND
 PHOENIX AVE. REQUIREMENTS AND
 WILL BE SUBMITTED AT A LATER DATE.

SITE PLAN OPTION #3



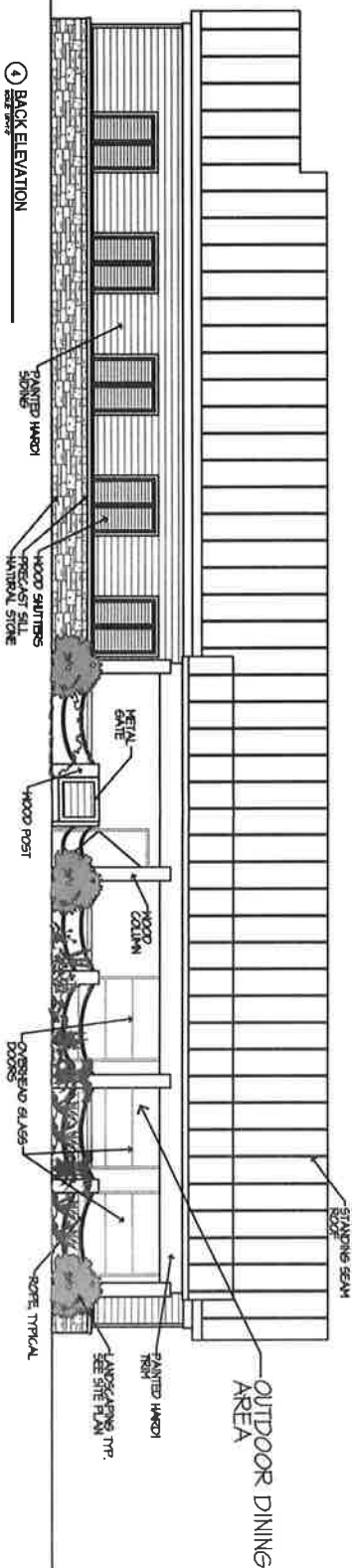
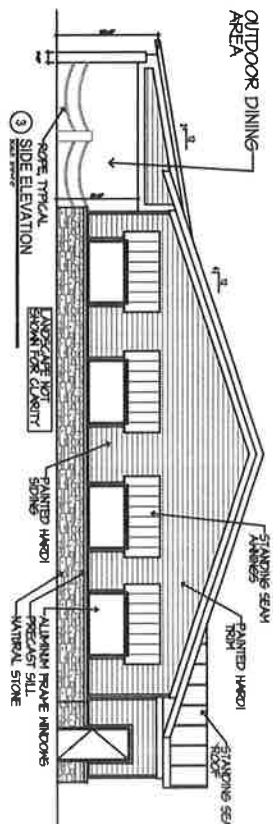
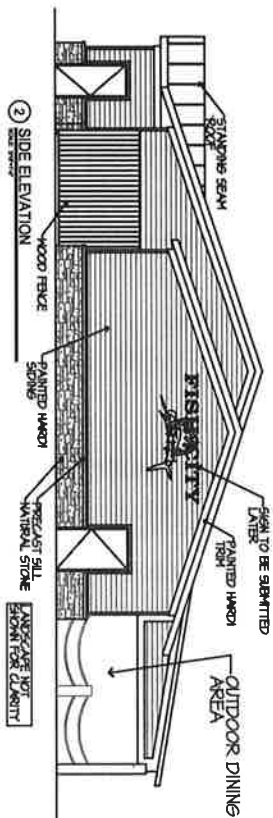
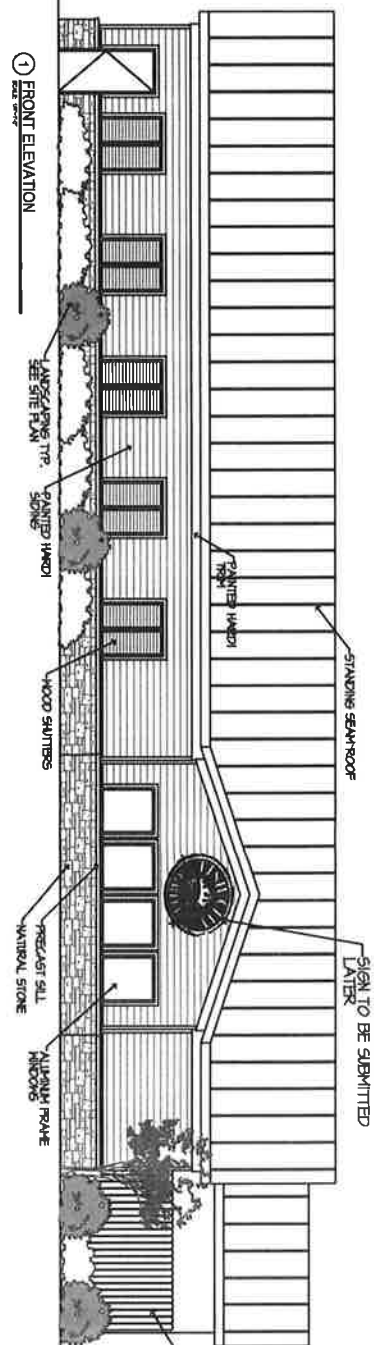
SCHEMATIC



NEW RESTAURANT FOR
FISH CITY
 7001 PHOENIX AVE
 FORT SMITH, ARKANSAS

TIM A. RISLEY & ASSOCIATES
 ARCHITECTS AND PLANNERS
 81 CONVARD PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72903
 PHONE - 479-652-2026 • FAX - 479-652-2025 • EMAIL - triley@tim-risley.com





NEW RESTAURANT FOR FISH CITY

FORT SMITH.

83 ARKANSAS



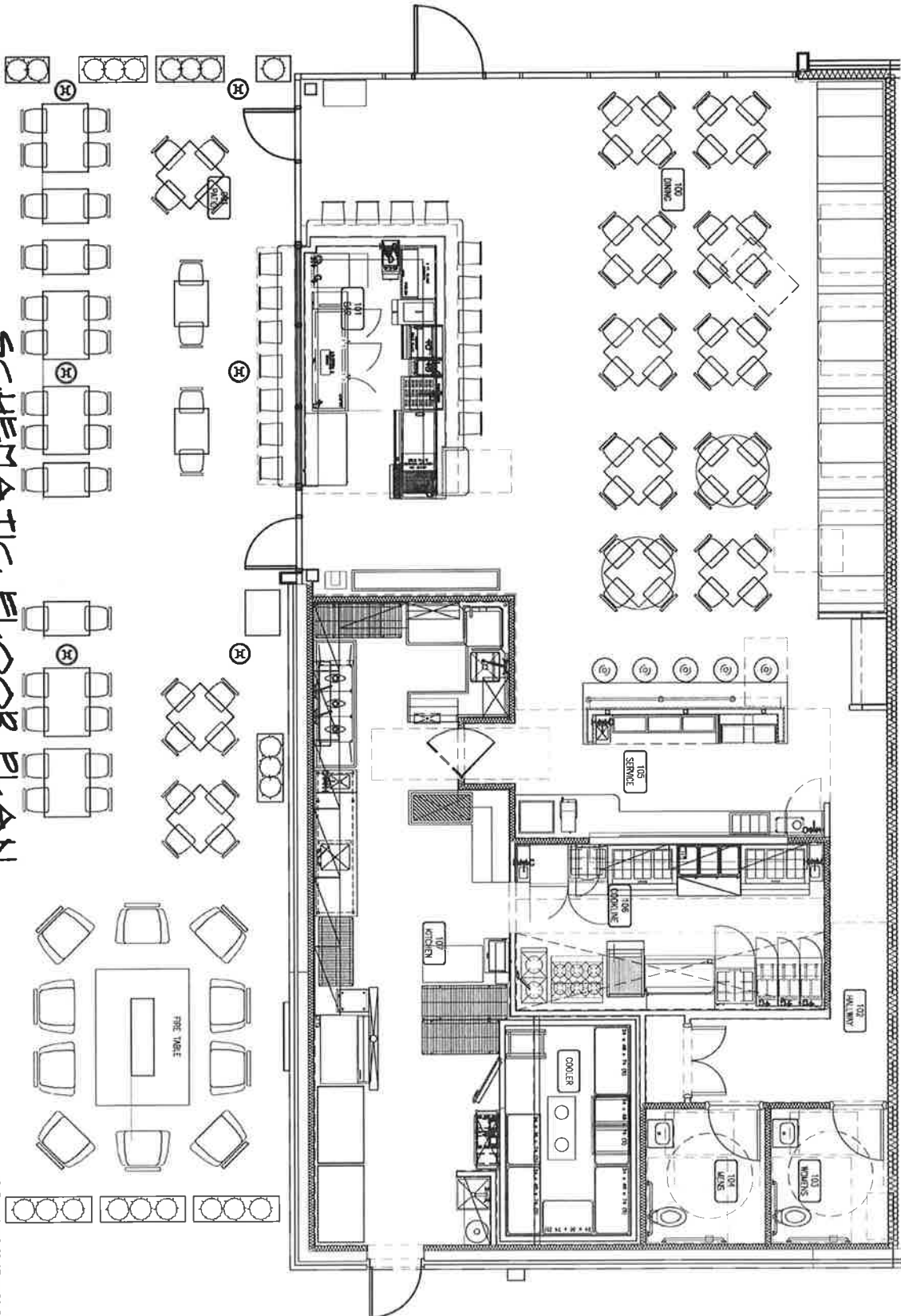
#1 CONARD PLACE • 8101 PHOENIX • FORT SMITH, ARKANSAS • 72903
PHONE • 479.452.5636 • FAX • 479.452.5825 • EMAIL • info@valley-associates.com

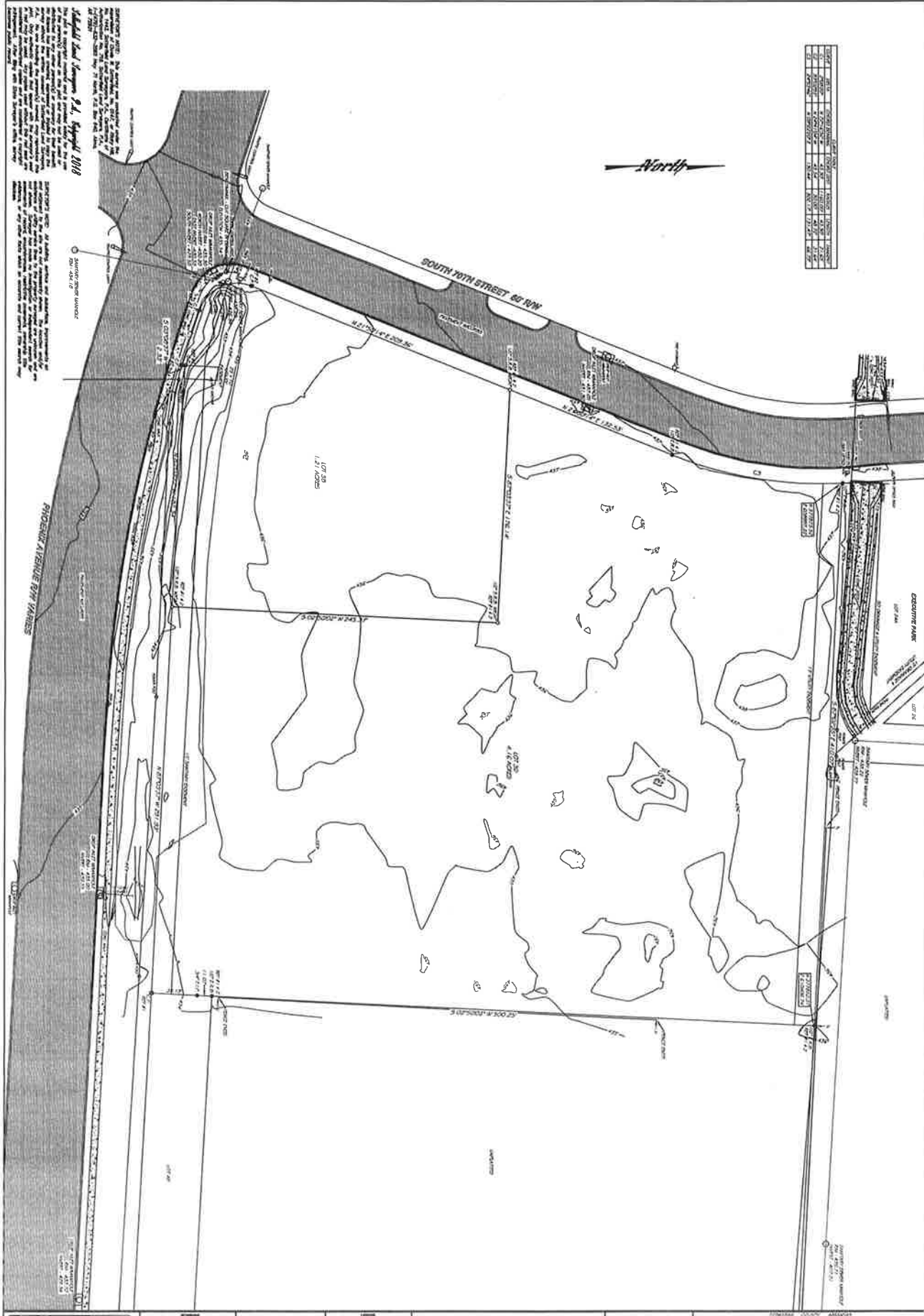


DATE 06.07.16

SCHEMATIC FLOOR PLAN

SCALE: 3/16" = 1'-0"





Scale of Survey

1" = 100' (Horizontal) and 1" = 120' (Vertical)

North Arrow

Surveyor's Disclaimer and Statement of Use

This survey was conducted by the written or verbal authorization of the person named as the owner and/or user by or shown on this plat. No one has the authority to use the title or legal description from this survey except those named or their agents and the survey is not to be used for any other purpose than that for which it was made. This plat is not to be used for any other purpose than that for which it was made. This plat is not to be used for any other purpose than that for which it was made.

Lot 3B & 3D, Phoenix Commercial Park, Fort Smith, Arkansas

Item 6

Surveyor's P.A.

Surveyor's P.A.

Surveyor's P.A.

FISH CITY GRILL
AWNING SIGN
REV. 09.23.15



* 24" TALL LETTERS TYPICAL. HEIGHT AND LENGTH MAY VARY BY LOCATION BASED ON LANDLORD REQUIREMENTS OR LOCAL SIGN RESTRICTIONS.

FONT: BOOKMAN OLD STYLE

OPTION 1:

CHANNEL LETTERS, COLOR BENJAMIN MOORE HALE NAVY HC-154, WITH WHITE ACRYLIC FACE, LT INTERNALLY

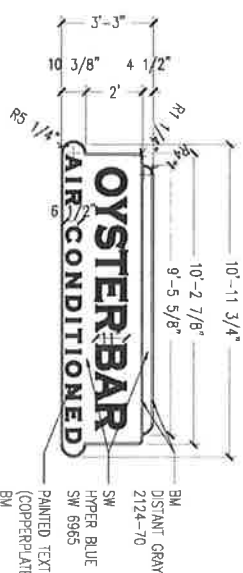
OPTION 2:

REVERSE CHANNEL LETTERS, COLOR BENJAMIN MOORE HALE NAVY HC-154, INTERIOR BACK ONLY PAINTED WHITE, WITH EXPOSED WHITE NEON, SINGLE STROKE INSIDE LETTERS

DATE 06.07.16

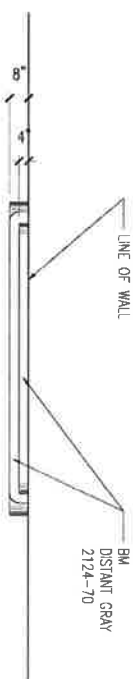
BUILDING & OYSTER BAR SIGN

FISH CITY GRILL
INTERIOR OYSTER BAR SIGN
REV. 09.23.15



* SIGN TO HAVE A DISTRESSED FINISH, VARYING SHADES OF PAINT COLORS, RUST ETC. *

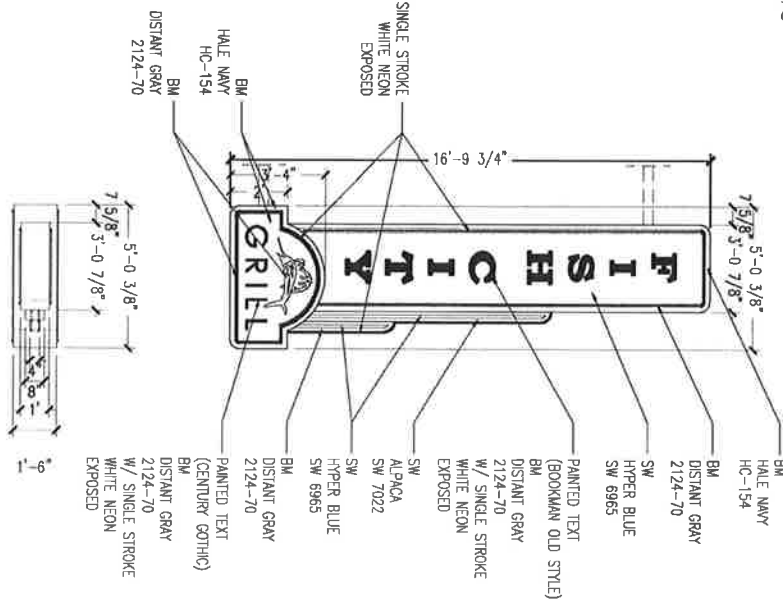
PAINTED TEXT
(COPPERPLATE GOTHIC BOLD)
BM
DISTANT GRAY
2124-70
W / SINGLE STROKE WHITE
NEON FACE MOUNTED



CABINET CONSTRUCTION
PAINTED
EXPOSED NEON
WALL MOUNTED

SCALE: 1/4"=1'-0"

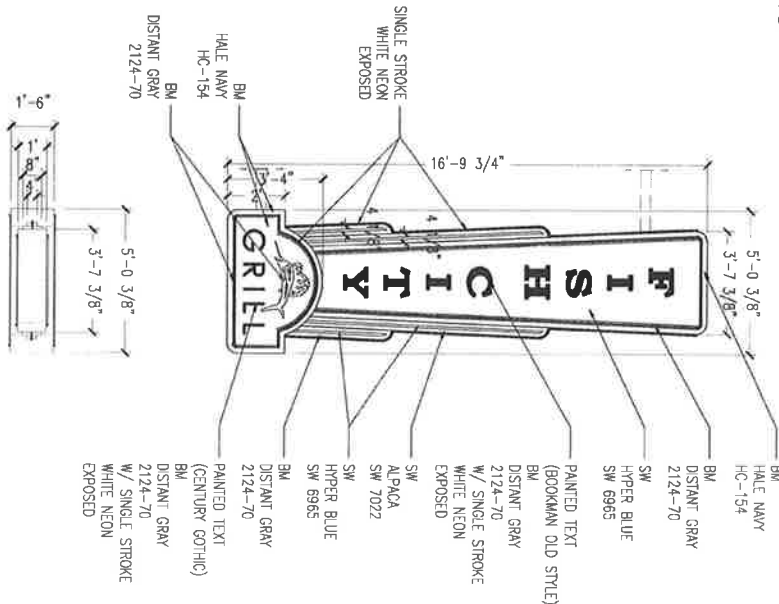
FISH CITY GRILL
BLADE SIGN
OPTION D
REV. 07.23.15



CABINET CONSTRUCTION
PAINTED
EXPOSED NEON
MOUNTING BRACKETS DEPENDANT ON EXISTING CONDITIONS

DATE 06.07.16

FISH CITY GRILL
BLADE SIGN
OPTION E
REV. 07.23.15



CABINET CONSTRUCTION
PAINTED
EXPOSED NEON
MOUNTING BRACKETS DEPENDANT ON EXISTING CONDITIONS

OPTIONAL BLADE SIGNS

SCALE: 1/4"=1'-0"

Conditional Use #8-8-18

7001 Phoenix Avenue

Legend

IM Well

Item 6

Office

Apartments

Conditional Use #8-8-18

Undeveloped

Single Family Residential

Eye Doctor

Dollar Store

Furniture Store

Hotel

Auto Repair

Auto Glass

Google Earth

Image Landsat / Copernicus

600 ft





Design Prototype



Memo

To: City Planning Commission

From: Planning Staff

Date: August 1, 2018

Re: Rezoning #19-8-18 - A request by Jonathan Bench, agent for Quentin Willard, for Planning Commission consideration of a zone request from not zoned to a Planned Zoning District (PZD) by classification located at 7500 Fort Chaffee Boulevard

PROPOSED ZONING

Approval of the zoning request will allow the existing microbrewery to install an outdoor dining deck and outdoor patio.

LOT LOCATION AND SIZE

The subject property is on the north side of Fort Chaffee Boulevard between Ward Avenue and Darby Avenue. The tract contains an area of 0.35 acres with approximately 205 feet of street frontage along Fort Chaffee Boulevard.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The property is not zoned at this time.

SURROUNDING ZONING AND LAND USE

The area to the north and west is Not Zoned and developed as engineering offices.

The areas to the north and east are Not Zoned and developed as parking lots.

The area to the south is not zoned and is developed with a vacant building.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Fort Chaffee Boulevard as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Chaffee Crossing Master Land Use Plan classifies the site as Mixed Use: Historic Area. This classification is intended to preserve key existing Chaffee Crossing buildings by renovations, have infill development that has a contextual relationship with surroundings, and provide amenities in the open spaces with plazas, streets, and parks to reinforce the mixed use historic area.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided?
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation?
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety?
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features?
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies?
- F. The required right-of-way dedication has been identified by the City Engineering Department?
- G. All easements and utilities shall meet the requirements of the approving departments and agencies?

- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **Fort Chaffee Boulevard has an existing right-of-way width of 80' and is capable of handling anticipated traffic demands for the existing use and allowable land uses.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **All future development will comply with the Chaffee Crossing Master Guidelines and will therefore exceed the UDO architectural and landscaping requirements.**

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The building is built to the property line of the existing business. All ingress and egress will occur on existing driveways on the existing off-site adjacent parking lot to the north of the applicant's property.

Right-of-way dedication – No new R.O.W. dedication is required or proposed at this time.

Drainage – No drainage improvements are required for the proposed outdoor dining and patio project.

Landscaping & Screening – No new landscaping is provided at this time.

Parking – All parking will occur off-site at the adjacent parking lot to the north.

Signage – No new signage is proposed at this time.

Sidewalks – No sidewalks are proposed.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.

- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting will be held Monday, August 13, 12:30 p.m., at 7500 Fort Chaffee Boulevard. Details regarding the meeting will be provided to the planning commission.

STAFF COMMENTS

The property is currently not zoned. The proposed PZD will allow the applicant to proceed with obtaining a building permit to construct an outdoor dining area and patio. The PZD allows a variety of other uses, such as limited retail and food services, performing arts, amusement and recreational establishments. Any future new development will comply with the UDO and the Chaffee Crossing Master Development Guidelines.

STAFF RECOMMENDATIONS

The PZD booklet appears to comply with Section 27-341-3 (E) of the UDO. Staff recommends approval.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

See Attached

2. Address of property: 7500 Fort Chaffee Blvd Fort Smith, AR
3. The above described property is now zoned: Not Zoned 72916
4. Application is hereby made to change the zoning classification of the above described property to a Planned Zoning District.
5. Explain why the Planned Zoning District is requested?
Property not zoned + want to place
a zoning district on property to
add deck

Quentin Willard

Owner or Agent Name
(please print)

Signed:

[Signature]

Owner

7500 Fort Chaffee Blvd
Owner or Agent Mailing Address
Fort Smith, AR 72916

or

Jonathan Bench

Agent

Jonathan Bench

contact @ fsbrewco.com

479-438-0131
Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

Address of property 7500 Fort Chaffee Blvd has filed with the Director of Planning a
(Street Address)
written application to City of Fort Smith, Arkansas, to request a zone change from
N/A to a Planned Zoning District by P2D.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

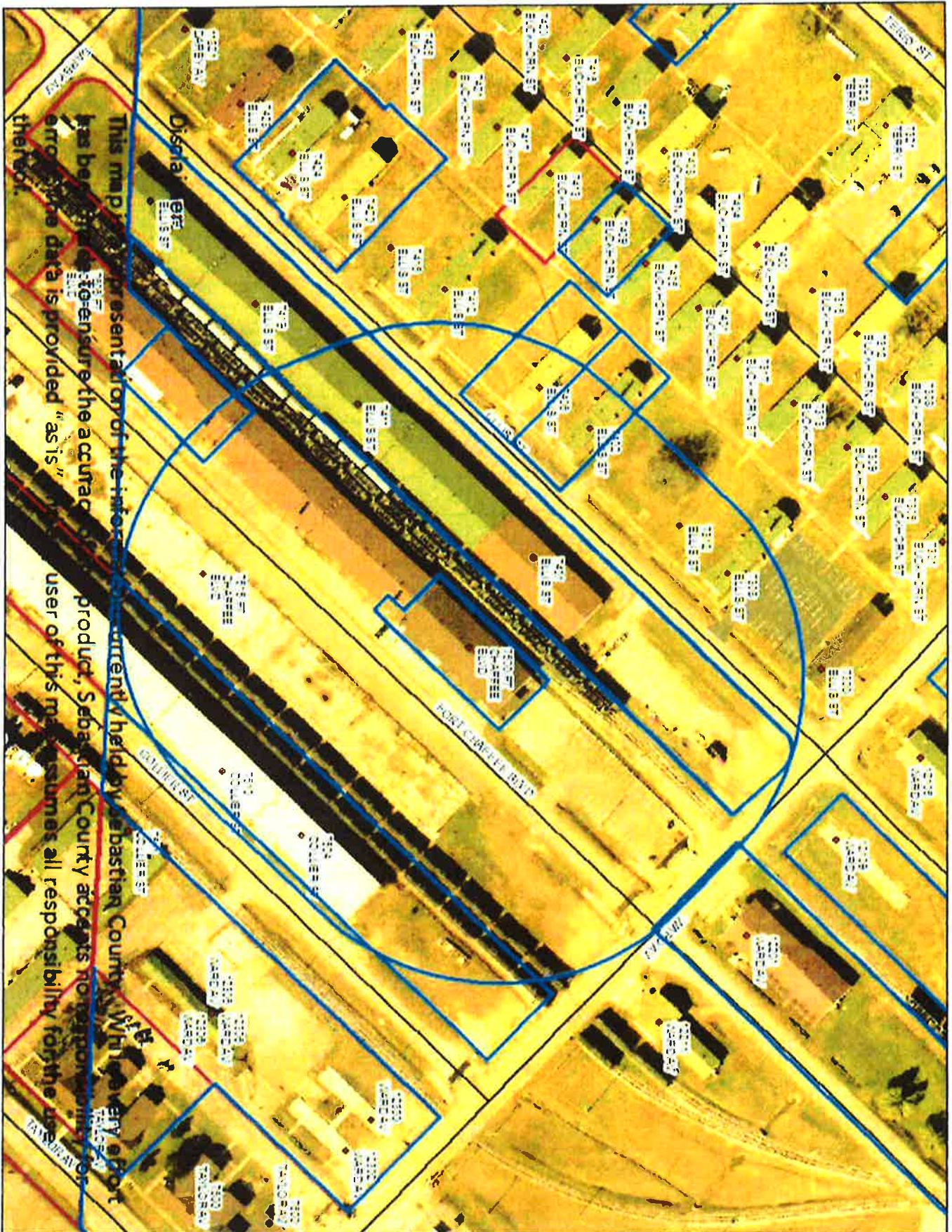
I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

FCRA Chaffee Crossing Design
Guidelines



Signature

(If no restrictive covenants exist, indicate "none".)*



AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Jonathan Bench to act as our agent in the
(Print Name of Agent)
matter.

(Type or clearly print)

<u>NAMES OF ALL OWNERS.</u>	<u>SIGNATURE OF ALL OWNERS.</u>
1. <u>Quentin Willard</u>	<u>[Signature]</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

This form is necessary only when the person representing this request does not own all property.

PZD BOOKLET

**DECK ADDITION TO FORT SMITH BREWING COMPANY
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: DECK ADDITION TO FORT SMITH BREWING COMPANY
AN ADDITION TO THE CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: A PART OF THE SOUTHEAST CORNER OF SAID SECTION 4, SAID
POINT BEING MARKED WITH AN EXISITING RAILROAD SPIKE;
CHAFFEE CROSSING
SEBASTIAN COUNTY, ARKANSAS**

**OWNER: QBVENTURES, LLC
7500 FORT CHAFFEE BLVD
FORT SMITH, AR 72916
PHONE: 479-242-3722**

**SUBMITTED TO: CITY OF FORT SMITH
623 GARRISON AVENUE
FORT SMITH, ARKANSAS 72902**

ENGINEERS: N/A

JULY, 2018

**DECK ADDITION TO FORT SMITH BREWING COMPANY
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The subject property is currently not zoned. A portion of the property has been developed as a brewery. A change in zoning is needed to bring the developed portion into compliance with City zoning codes and allow the extension of a deck to the exterior of the structure. A Planned Zoning District will allow flexibility in standards to utilize existing improvements and expand the facility to better accommodate current and future clients. It will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.

QBVentures LLC, 7500 Fort Chaffee BLVD, Fort Smith, Arkansas 72916 Phone 479-242-3722.

3c. Summary description of the scope, nature, and intent of the proposal.

The PZD will include an area of approximately 1300 sq. ft. located on the street side and front side of the building.

Proposed PZD uses include eating, drinking, and occasional live music. The intent is to provide outdoor space for the customer to enjoy the scenic Chaffee Crossing community and provide additional seating to prevent overcrowding within our building.

3d. General project scope:

i. Street and lot layout

See attached Site Plan.

Access to the site will be from the current entrances.

ii. Site plan showing proposed improvements

See attached Site Plan.

iii. Buffer areas, screening, and landscaping

See attached Site Plan.

No screening or landscaping is proposed with the deck project. However, any new development will comply with the landscaping and screening requirements in the UDO and Chaffee Crossing Master Development Guidelines.

Interior Landscaping will be as follows:

No Change

No irrigation is proposed for the landscaping, screening, and buffer areas. Vegetation in these areas is well established, native to the area, and became established without prior irrigation.

iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas

Fully described under Section 3d. iii above.

vi. Existing and proposed utility connections and extensions

See Site Plan.

No Change

vii. Development and architectural design standards

It is proposed to use wood decking to mimic the decks currently installed in front of other businesses in the vicinity. Any new development will comply with the general design standards of the UDO and Chaffee Crossing Master Development Guidelines.

viii. Building elevations

Building elevations are included in this submittal

ix. Proposed signage (type and size)

All signage will comply with UDO and CCDG requirements.

3e. Proposed development phasing and timeframe

Construction is to begin September 15, 2018 and be completed by October 15, 2018.

All dates are approximate

3f. Identify area and bulk regulations

The Land Use for the property is Mixed Use-Historic Area.

3g. Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	.3 acre
Min. Lot Width at BSL	50 feet
Max. Lot Coverage	99%
Max. Height	50 feet
Addnl. Height	see 27-404 D. of the UDO
Setbacks	
Front	6 in
Side	6 in
Rear	6 in
Minimum Street Frontage	50 ft
Minimum Bldg Separation	per current building or fire code

- 3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

The property is currently not zoned

- 3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 – PZD Permitted Land Uses vs. Existing Zone Designations.

- 3j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.)**

Any future new development will comply with the Chaffee Crossing Master Development Guidelines and as a result will exceed the UDO's landscaping and architectural design requirements.

- 3k. Statement of how the development will relate to the existing and surrounding properties in terms of land used, traffic, appearance, and signage.**

The property to the south is vacant with a Land Use Classification of Mixed Use: Residential/Commercial/Office. All additional properties in the vicinity have a Land Use of Mixed Use-Historic Area.

Proposed PZD uses include eating, drinking, and occasional live music. The intent is to provide outdoor space for the customer to enjoy the scenic Chaffee Crossing community and provide additional seating to prevent overcrowding within our building. Impacts on adjacent properties will be minimal. The proposed deck and clientele are quiet and disciplined.

The actual impacts on adjacent un-zoned properties cannot be determined at this time.

Traffic

The property in the area of the PZD is sparsely developed at this time with somewhat limited traffic on the access routes. Development of the PZD will increase traffic to a minor extent under current conditions. This increase will not be sufficient to be considered adverse.

Appearance

Proposed materials for the deck should minimize adverse effects of the appearance of the new developments on surrounding properties.

Signage

All signage will comply with UDO and CCDG requirements.

- 3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).**

The City Engineering Department has indicated that a traffic study will not be required.

3m. Statement of availability of water and sewer (state size of lines)

PUBLIC LINES

An 8 inch waterline runs along the south side of the project parallel to Fort Chaffee BLVD. An 8 in sanitary sewer line runs along the south side of the project parallel to Fort Chaffee BLVD.

PRIVATE LINES

A 2 inch private service waterline runs along the east side of the project perpendicular to Fort Chaffee BLVD. An 8 inch sanitary sewer line runs along the south side of the project parallel to Fort Chaffee BLVD.

FIRE LINE

A 6 inch public fire line and hydrant runs along the southern border of the property parallel with Fort Chaffee BLVD.

		Districts		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use		Size or density restrictions for any use may be noted in the district																											
Residence or Accommodation																													
15	Private Household																												
	Single Family building																												
	Accessory residential dwelling unit																												
	Hotels, Motels, or other Accommodations																												
	Bed and breakfast inn																												
	Rooming or boarding house																												
	Durable Consumer Goods Sales or Service																												
	Bicycle sales and service (no outside storage)																												
	Bookstore																												
	Clothing, jewelry, luggage, shoes, accessories																												
	Gift shop																												
	Consumer Goods, Other																												
	Art dealers, art studio, galleries, supplies																												
	Grocery, Food, Beverage, Dairy																												
	Bakery or confectionery shop																												
Beer, wine and liquor store (without drive-through)																													
Farmer's market																													
Fruit and vegetable store																													
Grocery store or supermarket																													
Neighborhood store																													
Rental and Leasing																													
Video, music, software																													
Food Services																													
Catering service																													
Microbrewery/microwinery/microdistillery																													
Mobile food services																													
Restaurant																													
Restaurant (with outdoor dining)																													
Specialty Manufacturing																													
Pet and animal services																													
Animal and pet services (indoor)																													
Pet shop																													
Pet supply store																													
Arts, Entertainment, and Recreation																													
Performing Arts or Supporting Establishments																													
Performance theater																													
Museums and Other Special Purpose Recreational Institutions																													
Historical or archaeological institution																													
Museum																													
Amusement, Sports, or Recreation Establishment																													
Amusement center (indoor)																													
Convention/Event center																													

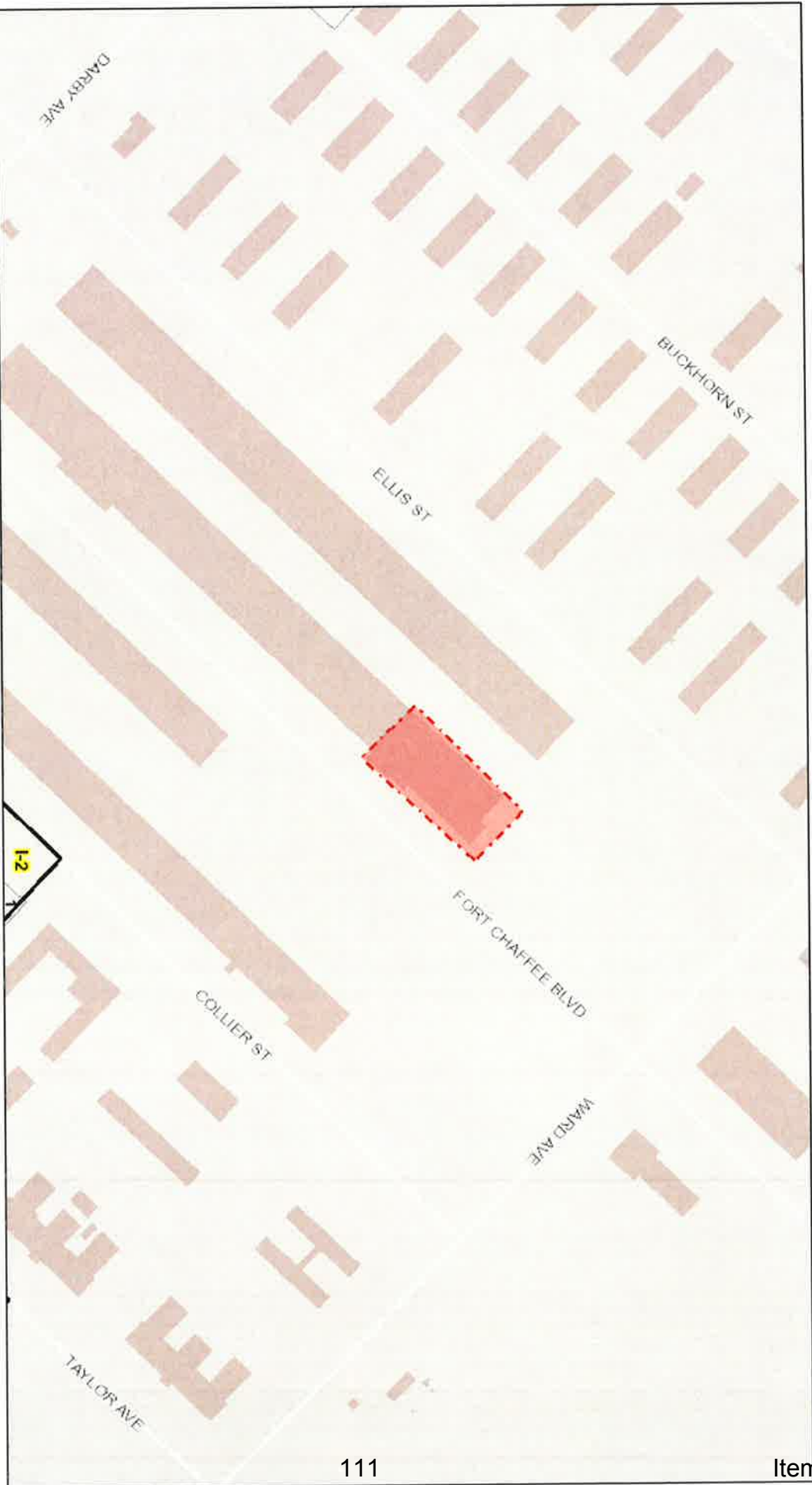
109

END OF PZD BOOKLET

Rezoning #19-8-18: Not Zoned to Planned Zoning District (PZD) 7500 Fort Chaffee Boulevard

July 26, 2018

-  Fort Smith City Limits
-  Zoning
-  Subdivisions
-  Water Bodies
-  Public Schools
-  Parks



Rezoning #19-8-18

7500 Fort Chaffee Boulevard

Legend

Item 7

112



Google Earth

Memo

To: City Planning Commission

From: Planning Staff

Date: August 1, 2018

Re: Variance #25-8-18; A request by Maria Barroso, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 1) from 20' to 7.1' exterior side-yard setback; 2) from 10' to 7.3' rear-yard setback; and 3) from 5' to 3.2' interior side-yard setback located at 1315 North M Street

REQUESTED VARIANCE

Approval of the variances will allow for two additions to the existing single-family residence increasing the house by 619 s.f. After the additions the house will consist of 1,663 s.f.

LOT LOCATION AND SIZE

The subject property is on the northwest corner of the North M Street and North 14th Street intersection. The tract contains an area of 0.16 acres with approximately 141 feet of street frontage along North M Street and 50 feet of street frontage along North 14th Street.

EXISTING ZONING

The existing zoning on this tract is Residential Single Family High Density (RS-4). Characteristics of this zone are as follows:

Purpose:

To provide very dense single family detached housing as either new or infill development. The RS-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RS-4 zoning district corresponds to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

Permitted Uses:

Single-family dwellings and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet
Maximum Density – 8.7 Dwelling Units/Acre
Minimum Lot Width at Building Line – 50 feet
Minimum Street Frontage – 20 feet
Front Yard Setback - 20 feet
Side Yard on Street Side of Corner Lot - 20 feet
Side Yard Setback – 5 feet
Rear Yard Setback - 10 feet
Minimum building separation – 10 feet

Maximum Height - 35 feet (1+1)
Maximum Lot Coverage - 65%

SURROUNDING ZONING AND LAND USE

The areas to the north, west, and south are zoned RS-4 and developed as single family residents.

The area to the east is zoned RS-4 and undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North M Street and North 14th Street as local roads.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The applicant states they are remodeling the house and wish to remodel the house into a square shape. The existing house currently encroaches the setbacks.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, August 8, 2018 at 3:00 P.M. on site.

One neighboring property owner attended the meeting and had no objections to the variance.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the

granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS

The existing house currently encroaches the rear, exterior side, and interior side-yard setbacks. The requested variance will allow the homeowner to align the proposed additions with the existing exterior walls.

STAFF RECOMMENDATIONS

If the planning commission is inclined to approve the variance, staff recommends approval conditional upon the submitted development plan.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 1315 N. M. St., Existing or Proposed

Zoning Classification RS-4, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

FROM

TO

<u>20'</u>	-	<u>7.1'</u>	Front Yard Setback or Minimum Distance from Right-of-Way
<u>5</u>	-	<u>3.2</u>	Exterior Side Yard Setback
<u>10</u>	-	<u>7.3</u>	Interior Side Yard Setback
	-		Rear Yard Setback
	-		Maximum Height of Structure
	-		Minimum Distance Between Structures on the Same Lot
	-		Minimum Lot Area (Square Feet) <i>7700 existing</i>
	-		Minimum Lot Frontage
	-		Maximum Size of a Sign
	-		Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Maria Barroso
Owner or Agent Name (please print)

Maria Barroso
Owner

or

479-226-2263
Owner or Agent Phone Number

Agent

1905 N. N St. Smith,
Owner or Agent Mailing Address
AR. 72901

Sabina barroso 12@gmail.com

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

☒

Is this variance needed because of previous actions taken by yourself?

☒

Is this variance needed because of previous actions taken by a prior owner?

☒

A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?

☒

Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.

☒

Is the lot of an odd or unusual shape?

☒

Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?

☒

Does the lot contain required easements other than those that might be located on its perimeter?

☒

Is any part of the lot in a flood plain or flood way?

Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?

☒

Is the lot developed with structures in violation of current zoning requirements?

☒

Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Adding and Saving to the existing
of the house.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

The house is already there we just
want to make it into a square.
And there's a existing drive way on
side of the house

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

The house is in the property in
the set backs.

LETTER REGARDING RESTRICTIVE COVENANTS

Restrictive covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property

Saving the house with the existing.

LOT 19

BLOCK 102

ORIGINAL CITY

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

None

Maria Barroso

Miller, Perry

From: Miller, Perry
Sent: Thursday, August 02, 2018 10:19 AM
To: Planning Email Group
Subject: 1315 North M Street

To All:

Marta Decker at 1212 North 13th Street called about the variances at 1315 North M Street. She had no objections the variance. I will add a copy of this letter to the (file, red folder, and g-drive).

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location _____

Meeting Time & Date _____

Meeting Purpose _____

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Laavel Sandoval		
2.	Tammy Blake		
3.	Fredrick Holmes		
4.	Marta Decker		
5.	Hortensia Gonzalez		
6.	Maricruz Rivera		
7.	Baptist Church		
8.	William Jones		
9.			
10.			
11.			

Item 8



City of Fort Smith GIS
Copyright 2013, City of Fort Smith

Variance #25-8-18

1315 North "W" Street

Legend

Item 8

Martin Luther King Park

Single Family Residences

Single Family Residences

Variance #25-8-18

1315 N M St

Duplex

Single Family Residential

Google Earth

Image Landsat / Copernicus



BRIXEY ENGINEERING & LAND SURVEYING, INC.

CONSULTING ENGINEERS - LAND SURVEYORS

5223 East Highway 45 P.O. Box 5180 Fort Smith, Arkansas 72905 (479) 646-6394



LEGEND

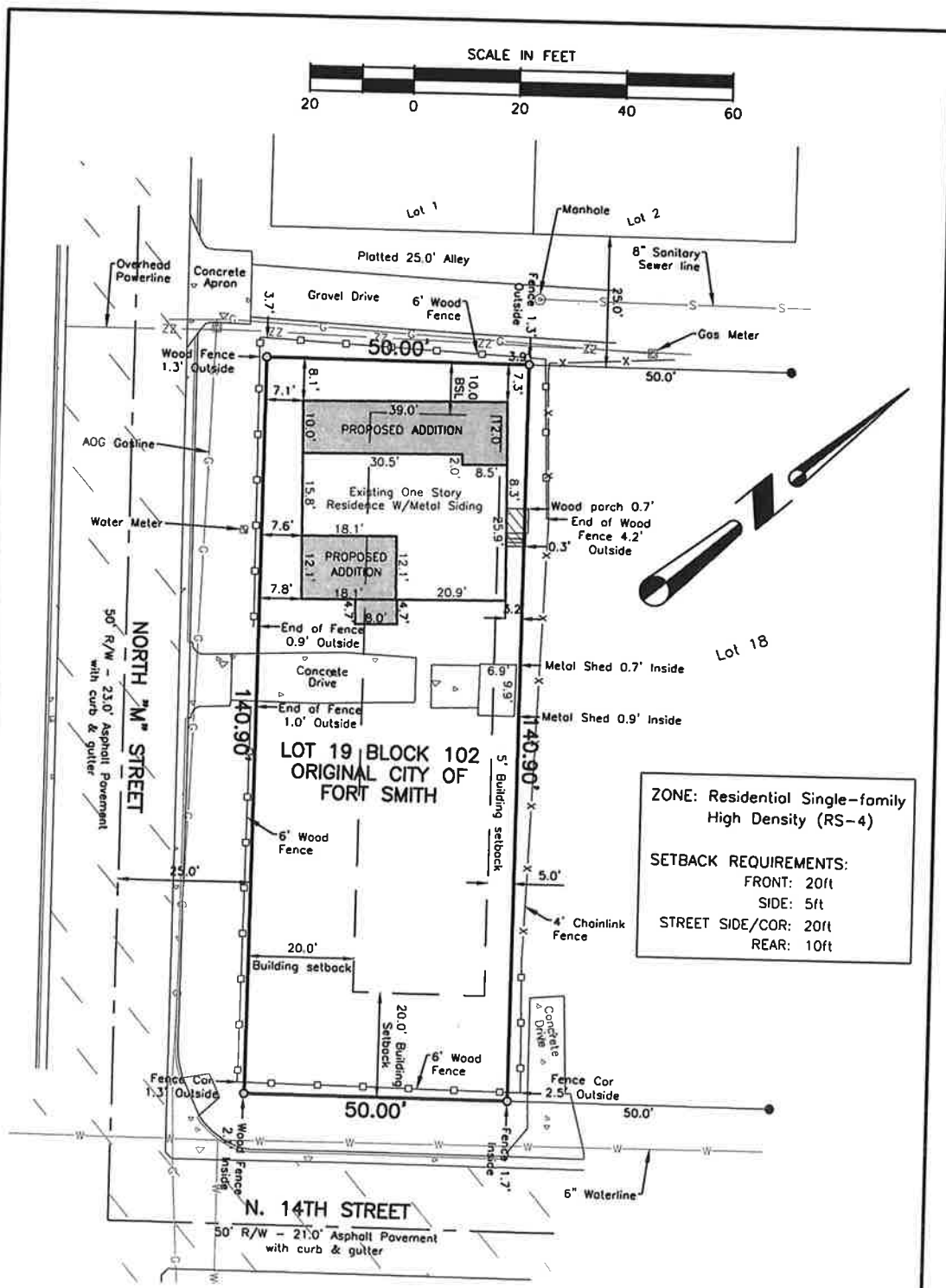
Computed Point
Set 1/2" Iron Pin
Exist. 1/2" Iron Pin
Set R.R. Spike
Exist. R.R. Spike
Set Nail
Exist. Nail
Exist. Stone
Exist. Monument
Exist. Fence



PLOT PLAN
LOT 19
BLOCK 102
ORIGINAL CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS
Prepared For: Sabina Barrosa

Date: 06/27/2018
Drawn By: TMC
Computed By: DFB
Job No. 18-0193

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Any unauthorized use of this drawing or data by others is of the sole risk of the user. Brixey Engineering & Land Surveying, Inc. shall not be held harmless or without liability from claims, damages, or losses, including costs of defense, arising from improper use of this drawing or data, or by another party.



I, Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plot to the best of my knowledge of a survey of Lot 19 Block 102 Original City of Fort Smith, also described as 1315 North M Street, Fort Smith, Sebastian County, Arkansas. That said plot correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plot of survey.

From the Flood Insurance Rate Map for Sebastian County, Arkansas and Incorporated Areas Map No. 05131C0020E Effective on May 20, 2010, this property does not lie within a designated Flood Hazard Area.

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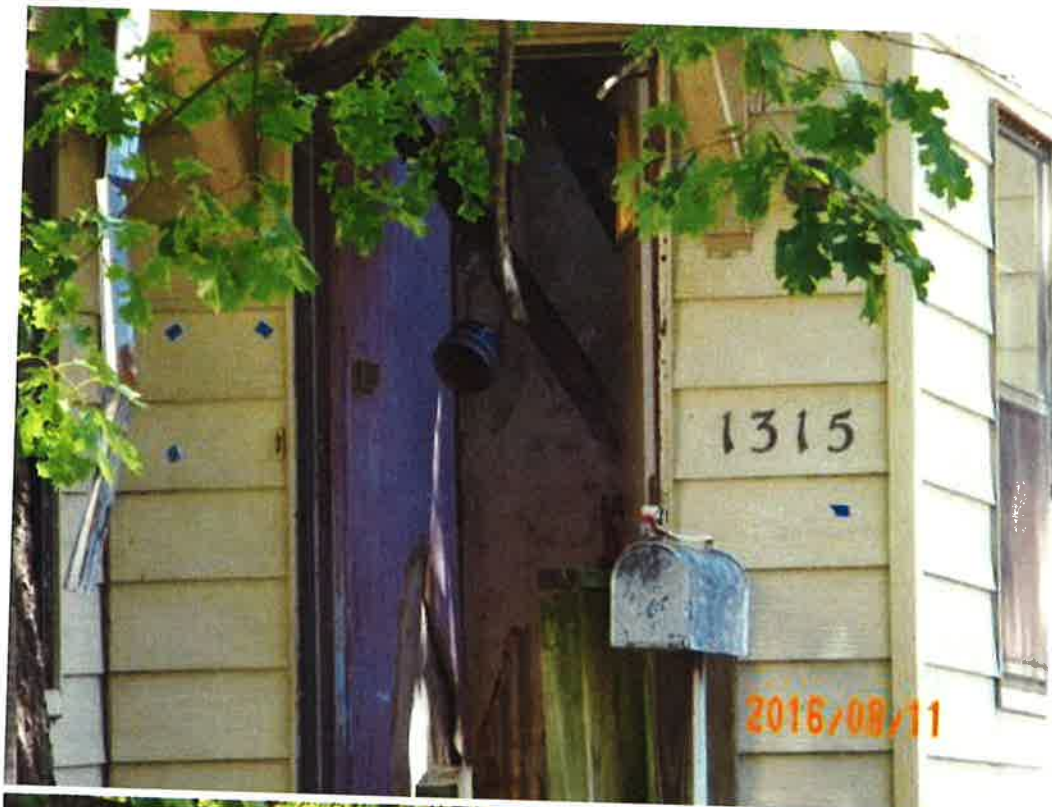
Monaco, Thomas

From: Andrews, Brenda
Sent: Tuesday, August 07, 2018 4:06 PM
To: Monaco, Tom
Subject: FW: 1315 N. M St.

From: Ruth, Rick
Sent: Tuesday, August 07, 2018 4:02 PM
To: Andrews, Brenda
Subject: 1315 N. M St.

Below are all of my pictures of 1315 N. M St. including the newer ones I am using in my court case.



















Rick Ruth
Property Maintenance Supervisor
Neighborhood Services Division
Phone: (479) 784-1027
Fax: (479) 784-1030
E-Mail: rruth@fortsmithar.gov



www.fortsmithar.gov